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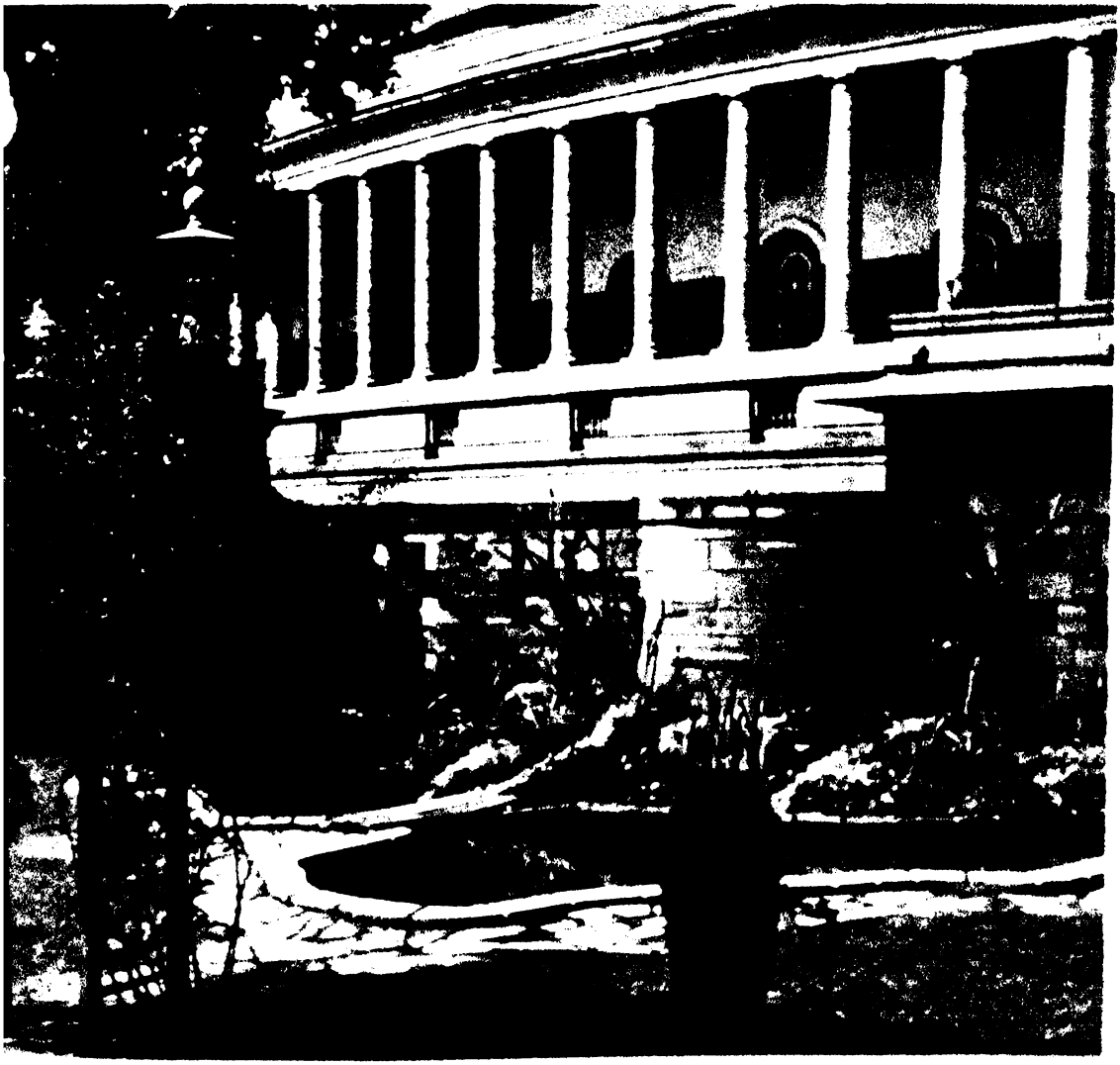

LOK SABHA SECRETARIAT - NEW DELHI

THE JOURNAL

OF

PARLIAMENTARY INFORMATION

Editor: **S. L. SHAKDHER**

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Addresses and Speeches

PRESIDING OFFICERS' CONFERENCE

Chairman's Address

[The Thirty-fourth Conference of the Presiding Officers of Legislative Bodies in India was held in Trivandrum on October 5 and 6, 1968. Reproduced below is the text of the Inaugural Address delivered by Dr. N. Sanjiva Reddy, Chairman of the Conference—*Editor*]

FRIENDS,

I am glad to be in your midst once again and it is with great pleasure that I join hands with our hosts in extending a warm welcome to all of you assembled for the Conference. This Conference of ours is an institution of over forty-five years' standing. My association with the Conference is not very old. Even so, I have come to cherish it deeply. Every time we meet like this, I get a feeling of a family gathering, of a happy re-union. The Conference provides us with a valuable opportunity for renewing old bonds and forging new ones as well as for sharing our experiences and exchanging thoughts on important trends and developments which have a bearing on the working or the future of our democratic institutions.

There have been quite a few changes in the State Legislatures so far as the Presiding Officers are concerned since we met last in New Delhi in April, 1968. We miss from our midst Shri Hareswar Goswami who was the Speaker of Assam Legislative Assembly and Shri Vaikunta Baliga who was the Speaker of Mysore Legislative Assembly. As you know, they passed away this year. Obituary references on their sad demise will be made by us here today.....*.

Committee of Presiding Officers

You will recall that at our annual Conference held in New Delhi in October, 1967, it was decided to set up a Committee of Presiding Officers to examine and report on certain important matters concerning the working of our Legislatures. Accordingly, in November, 1967, I appointed a Committee. The composition of the Committee was as follows:—

(1) Shri B. Vaikunta Baliga, Speaker, Mysore Legislative Assembly—Chairman.

Members

(2) Shri Hareswar Goswami, Speaker, Assam Legislative Assembly.

(3) Shri V. S. Page, Chairman, Maharashtra Legislative Council.

(4) Shri Jagdish Saran Agarwal, Speaker, Uttar Pradesh Legislative Assembly.

*Names of the Presiding Officers mentioned in the Address in connection with changes in the Presiding Officers of the State Legislatures have been omitted.

(5) Shri Des Raj Mahajan, Speaker, Himachal Pradesh Legislative Assembly.

Owing to illness, the Chairman of the Committee, Shri Vaikunta Baliga, could not attend any of their sittings except the first sitting held in Bangalore on the 4th February, 1968. Subsequently, Shri V. S. Page was elected as Chairman of the Committee during the absence of Shri Baliga who unsequently Shri V. S. Page was elected cruel hands of death on the 6th June, 1968. With the passing away of Shri Hareswar Goswami on the 10th May, 1968, the Committee also lost the services of another devoted member. I then appointed Shri Durga Das Khanna, Chairman, Punjab Legislative Council as a member of the Committee in place of Shri Goswami. It is to the credit of the Committee that despite the shocking blow suffered by them due to the sad demise of two of the members, they have been able to complete their arduous task within the scheduled period. The Report of the Committee is to be discussed at this Conference. Before we take up the Report, I am sure you will all like to join me in complimenting the Chairman and members of the Committee on their fine work in bringing out so comprehensive a Report in such a short period. The Report deals with the following broad items or subjects:

(1) The extent of independence of State Legislature Secretariats from the Executive;

(2) Formation of an Indian Parliamentary Service;

(3) The scope of the rule of sub-judice; and

(4) Conventions, traditions and other procedural devices required to be adopted or evolved to enable the Parliament/Legislatures to function effectively and meet the new challenging situations witnessed in the country.

I shall now briefly review the more important observations and recommendations of the Committee on each of the four subjects dealt with in their Report, indicating where necessary, the background to the subject.

Independence of State Legislature Secretariats from the Executive

This item represents the unfinished work of the Dubey Committee. That Committee became defunct after the last general elections as 3 out of the 6 members thereof ceased to be Speakers of the State Legislative Assemblies. The unfinished work of the Dubey Committee was assigned to the present Committee. Meanwhile, in pursuance of a decision taken at the Conference of Presiding Officers held in New Delhi in October, 1966, the Lok Sabha Secretariat had prepared a draft model Bill on the Recruitment and Conditions of Service of the staff of State Legislature Secretariats. I may mention that the essential feature of the draft Bill is that it ensures the independence of the State Legislature Secretariats from the Executive by expressly vesting the Speaker/Chairman with full administrative and financial control over the Legislative Assembly/Council Secretariat (*vide* clause 3 of the draft Bill). As a further measure to strengthen the independence of Legislature Secretariats, the Bill provides that "the budget estimates of the Secretariat shall be prepared by the Secretariat and sent to the Finance Department which shall normally accept the estimates without any change." However, if the Finance Department is unable to accept any of the proposals contained in the budget estimates, the matter is to be eventually "placed before a meeting of the Chief Minister, the Speaker/Chairman and the Minister of Finance and the decision arrived at such meet-

ing shall be final" (*vide* clause 16 of the draft Bill). The Bill also lays down that the Speaker/Chairman "shall have full financial powers in respect of the Secretariat within the budget grants of the Secretariat" (*vide* clause 17 of the draft Bill).

The present Committee considered the draft model Bill and concurred in it. The draft Bill has since been circulated to the Speakers and Chairmen of all State Legislatures. I hope you will take early action in getting the Bill enacted into law in your respective Legislatures, thereby ensuring the independence of Legislature Secretariats from the Executive, which will go a long way in strengthening Parliamentary democracy.

Formation of an Indian Parliamentary Service

This matter has been pending for the last 15 years or so. The Committee have accepted the principle of having an Indian Parliamentary Service. However, keeping all aspects in view, they have suggested, for the present, a three-point phased programme to achieve the objective, *inter alia*, of securing better efficiency among the officers of the Legislature Secretariats and better status for them. First, the model Bill on the Recruitment and Conditions of Service of the staff of State Legislature Secretariats should be passed by the State Legislatures. Secondly, when a vacancy occurs in the officer cadre of any State Legislature Secretariat or in the Lok Sabha or Rajya Sabha Secretariats and it is decided to fill it in by direct recruitment or deputation from outside, preference should as an experimental measure be given to officers working in Legislature Secretariats provided, of course, they are otherwise fit to hold the post. Thirdly, a centralised training programme on Parliamentary practice and procedure might be chalked out by the Lok Sabha Secretariat for the officers and staff of the Central and State Legislature Secretariats. I feel the programme suggested by the Committee is quite feasible. We may at least agree to give it a trial.

Scope of the Rule of Sub-judice

The Committee considered the practice in this regard in the Lok Sabha and other Parliaments. They also took into consideration the views of several Presiding Officers including Shri Vaikunta Baliga whose note on the subject is reproduced in an Appendix to the Report. Having done so, the Committee underline the need to strike a delicate balance between the primary right of freedom of speech in Legislatures, which is the essence of Parliamentary democracy, and the desirability of ensuring that in dealing with matters pending adjudication, Courts are not influenced by discussions in Legislatures. Considering that it may be useful for Presiding Officers if the scope of the rule of *sub-judice* could be delineated in somewhat specific terms, the Committee have suggested certain guide lines which are illustrative but not exhaustive. I may mention some of these:—

(1) Freedom of speech is a primary right of Members of Legislatures whereas the rule of *sub-judice* is a self-imposed restriction. So, where need be, the latter must give way to the former.

(2) Rule of *sub-judice* has no application in privilege matters and it does not ordinarily apply to legislation.

(3) Rule of *sub-judice* should apply in regard to proceedings before Civil and Criminal Courts and Courts Martial, but not ordinarily to other judicial or quasi-judicial bodies, such

as Tribunals, etc., which are generally fact finding bodies.

(4) Rule of *sub-judice* applies to questions, statements, motions (excluding the usual motions in respect of a Bill), resolutions and others debates.

(5) The rule applies only in regard to the specific issues before a Court. The entire gamut of the matter is not precluded.

Conventions, traditions and other procedural devices

Now I come to the last item dealt with in the Report. The question as to what conventions, traditions and other procedural devices are required to be adopted or evolved to enable the Parliament and State Legislatures to function effectively and meet the new challenging situations, is admittedly a vast and complex question. Indeed, the search for finding answers to this question has to be unremitting and continuous. Nevertheless, the Committee have been able to cover as much ground as was possible. They have considered the subject under a number of subheads, such as, Speaker; Deputy Speaker; Leader of the House and Government; Leader of Opposition; Whips; Members; Parliamentary Committees; Political parties and Groups, etc.

As regards the Speaker, the Committee have emphasized—and I believe rightly—that the impartiality of the Speaker is an indispensable condition of the successful working of Parliamentary democracy. The Committee, therefore, consider it "essential that the Speaker should sever all connections from the party to which he may have belonged." As a corollary, the Committee urge that it would be desirable to establish a convention to the effect that the seat from which the Speaker stands for election or re-election to the House should not be contested in the elections. The Committee have suggested some concrete measures to facilitate uncontested returns to Speakership as well as to strength the impartiality and independence of Speakers. These suggestions will, I am sure, be closely examined here. I would, however, like to point out that these proposals of the Committee can fructify only if certain assumptions or conditions are fulfilled. What are these conditions? First, by and large, political parties and groups in the country should agree to the need of insulating Speakership from the pressures or compulsions of party politics. Secondly, Speakers and aspirants for Speakership should be imbued with a genuine faith in the noble traditions of impartiality, aloofness from political controversies, and independence that are associated with this office. It is also obvious that if they are to maintain their impartiality and independence they should accept the office with a sense of fulfilment regarding it as a rare privilege to be called upon to serve the cause of Parliamentary democracy in the unique way which is open only to a Speaker. I earnestly feel that if this Conference is able to arrive at a consensus on the practices and measures that may be necessary to ensure the impartiality, dignity and independence of the Speaker's office, it will be a big step towards bringing about in the country a political atmosphere conducive to the growth of Speakership on the right lines.

On the duties and responsibilities of the Speaker, the Committee note that the main duties and responsibilities are laid down in the Constitution. The detailed duties and responsibilities of the Speaker, which are laid down in the Rules of Procedure of the concerned House, vary from State to State. But as the Committee rightly point out, "the fundamental principle is that the House, subject to the provisions of the

Constitution, is sovereign in the matter of its own rules of procedure and conduct of business. The rules which are based on the functioning of our Parliamentary institutions for the last half a century, provide for smooth and orderly functioning of the House and for the efficient and quick disposal of business before it. Hence, whatever powers have been conferred by the rules on the Speaker are intended to serve the above purpose i.e. the House should be enabled to function at all times in the interest of the country and the powers conferred on the Speaker should be used by him in the interest of the House. The principal duty of the Speaker is to regulate the proceedings of the House and to enable it to deliberate on and decide the various matters coming before it. Thus in considering the various notices or points raised before him or adjournment of the sitting, or placing matter before the House and the like, the Speaker should always bear this in mind and, where in doubt, he should act in favour of giving an opportunity to the House to express itself."

The Committee further remphasize that the Speaker is a part of the House, drawing his powers from the House for the better functioning of the House, and in the ultimate analysis a servant of the House, not its matter. Therefore, the Speaker should not so conceive his duties or interpret his powers, as to act independent of the House, or to override its authority or to nullify its decisions. The Committee feel that this exposition should set at rest any doubts that may have arisen as a result of the recent attitudes adopted by the Speakers of West Bengal and Punjab Assemblies. In this connection the Committee have also suggested certain conventions which they would like the Speakers to observe in the conduct of the day-to-day business of the House. One of the suggestions is that the Speaker should not on his own raise a matter and then give his decision thereon. He should give his ruling when a point of order is raised and after he has heard the members, if necessary.

Some useful suggestions have also been made by the Committee to deal with the problem of disorders in the Legislatures. An important point made by the Committee is that members should be provided adequate opportunities to bring immediate matters to the notice of the House. The Committee recommend that "where rules do not exist, they may be so made so that the members have an opportunity of getting a notice admitted and the Speaker has power to regulate the matter under the rules."

Dealing with the relationship between the Speaker and the Government, the Committee note that in a few States, the Speaker is not consulted by the Government in the matter of summoning and prorogation of the House. They emphasise that in all matters relating to the House, the Speaker, should be consulted and recommend that following the practice prevailing at the Central and in most of the States, a uniform practice should be established namely that, (a) the Speaker must be consulted by the Government in regard to the date of summoning and prorogation of the House, and (b) the Gazette notifications in respect thereof should be issued by the Secretary of the House.

As regards the Deputy Speaker, the Committee rightly urge that ruling by the Deputy Speaker should be in conformity with those given by the Speaker. They also note that under the Constitution the Deputy Speaker while in the Chair has all the powers of the Speaker in conducting the proceedings of the House; and there is no question of the Speaker delegating any powers to him. The Committee are of the

view that the Deputy Speaker should be a whole time officer of the House, which means that he should not engage himself in practising law, medicine, etc. They recommend that the Deputy Presiding Officers should be given status and salary equal to that of Ministers of State or where there are no Ministers of State, they should be equated at least to Deputy Ministers. I feel that if the Deputy Presiding Officers are to be whole time officers—as indeed they should be considering the nature of their duties—there can be no two opinions that they should be given adequate status and salary.

For want of time, I shall not go into the many valuable suggestions which the Committee have made in regard to the other sub-heads and which, no doubt, will be fully considered by the Conference. But I cannot resist the temptation of drawing your attention to the Committee's suggestions on the 'Leader of the Opposition'. The Committee have recommended that the Leader of the largest recognised Opposition Party (whether a regular Party or a Party composed of different Parties or Groups) should be recognised as the Leader of the Opposition. According to the Committee, it would be a healthy parliamentary convention if the Leader of the Opposition is invited by the Chief Minister before the latter makes any policy statement in the House and is given a copy of the statement in advance: and his suggestions for fixing any particular business on a particular day are, as far as possible, accepted by the Speaker and Leader of the House. The Committee further suggest that the Leader of the Opposition should be paid a salary, and provided with office as well as residential accommodation and secretarial staff. It is agreed on all hands that successful and efficient working of democratic government depends in large measure on the existence of a vigilant Opposition. The suggestions made by the Committee for institutionalising the Leader of the Opposition will, I hope, help the Opposition to perform its role more effectively, thereby further strengthening our democratic system.

Functions and Powers of Presiding Officers

Friends, as you are aware, following the unhappy developments in West Bengal and the Punjab which made it impossible for the Legislatures to function there, a good deal of public discussion has taken place on the functions and powers of Presiding Officers. We had discussed the matter at length at our emergent Conference held in New Delhi in April this year. A Resolution adopted by the Conference on April 7, 1968, *inter alia*, affirmed that "it is the duty of the Presiding Officers to allow the Houses to function in spite of any obstruction". The Resolution suggested that the Rules of Procedure of the Houses of Legislatures "may be so amended as to provide that a Resolution for the removal of a Presiding Officer from his office shall be brought before the House, notwithstanding an order of adjournment made by a Presiding Officer contrary to the rules." The Resolution also requested the Government of India to take urgent and suitable steps to evolve conventions in regard to the powers of Governors to summon or prorogue the Legislatures and to dismiss Ministries.

Now the question of the relative powers of the Speaker, the House and the Governor has assumed fresh importance in the light of the recent Supreme Court judgment in the case relating to the validity of the Punjab Appropriation Acts etc. Before discussing the salient points of the Supreme Court judgment, I would like to briefly recall the main events in the

Punjab which constitute, as it were, the facts of the case.

Main Events in the Punjab Legislative Assembly

The Legislative Assembly of Punjab was summoned to meet on February 22, 1968. The Annual Financial Statement was discussed on March 4, 5 and 6. On the last day, a Resolution was moved expressing no-confidence in the Speaker. The House granted leave and then adjourned to the following day. When the meeting commenced next day, one of the members raised a point of order that there was a contravention of article 179(c) of the Constitution in moving the Resolution. The Speaker declared the motion of no-confidence as unconstitutional and deemed not to have been moved. Another Resolution was then moved which led to rowdy scenes. The Speaker purporting to act under rule 105 of the Punjab Assembly Rules adjourned the House for two months. A political crisis then arose. The budget had to be passed before March 31, 1968 but the House stood adjourned to May 6, 1968. No expenditure in the State could, therefore, be made from April 1, 1968. In order to overcome this unprecedented situation, the Governor prorogued the Assembly on March 11, 1968 under article 174(2)(a) of the Constitution. On March 13, 1968, the Governor promulgated the Punjab Legislature (Regulation of Procedure In Relation to Financial Business) Ordinance, 1968. Section 3 of the Ordinance provided that the sitting of either House of the Legislature shall not be adjourned without the consent of that House until conclusion of financial business. On March 14, 1968 the Governor summoned the Legislative Assembly under article 174 fixing March 18, 1968, for its sitting. He further sent a message under article 175(2) directing the Assembly to consider the Punjab Appropriation Bills, Demands for Grants and other financial business. The Legislative Assembly met on March 18. After about three hours' discussion on a point of order raised by the Leader of the Opposition, the Speaker gave a ruling that the order of the Governor summoning the House to meet on March 18 was "illegal, unconstitutional and void." In this opinion, the order prorouging the House on March 11 was illegal and void and hence the Governor had no power to summon the House on March 14 when it stood adjourned for two months. He also held that the Ordinance promulgated by the Governor on March 13 was "null and void". He then re-affirmed his earlier ruling given on March 7 adjourning the House for two months and left the House. However, the House continued to sit as directed by the Ordinance with the Deputy Speaker in the Chair and transacted its business. Two Appropriation Bills and other financial Demands were passed by the House. The Bills were then transmitted to the Legislative Council certified by the Deputy Speaker that they were Money Bills. In the Council an objection was raised that the certificate under article 199(4) must be signed by the Speaker of the Legislative Assembly. This was over-ruled by the Chairman and the Bills were passed by the Legislative Council. They were then placed before the Governor with another certificate by the Deputy Speaker and the Governor signified his assent.

Two writ petitions were then filed in the Punjab and Haryana High Court. A Full Bench of the High Court unanimously held that the prorogation and the resummoning of the Legislature were regular and legal, but that the ruling given by the Speaker on March 18 made the subsequent proceedings in the House illegal. The Full Bench also held unanimously that the impunged Punjab Appropriation Acts were unconstitutional. The majority held that only the Speaker and

not the Deputy Speaker, was entitled to certify a Money Bill and the certification having been made by the Deputy Speaker was not valid. Section 3 of the Ordinance was declared by the majority as unconstitutional and invalid.

Supreme Court's Judgment and Opinion on the Main Issues

The Supreme Court on appeal set aside the judgment of the High Court on July 30, 1968. The Constitution Bench of the Court unanimously held that the financial business transacted before the Punjab Assembly on March 18, 1968, had legal foundations; that the Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance was validly enacted; and that the two Punjab Appropriation Acts were valid and duly certified. It further held that the Punjab Governor's action in proroguing the State Assembly was "perfectly understandable"—not only was it "proper but it was the only way open to him"—and that the resummoning of the Assembly immediately after its prorogation was "a step in the right direction".

Let us now consider the arguments and the Court's opinion on the main issues. Briefly, the arguments on behalf of the Speakers and others were that the prorogation took effect only on the 18th March. As a consequence the summoning of the Legislature before prorogation was invalid. It was further contended that both the prorogation and resummoning of the Legislature being invalid the House continued to be in session although adjourned, and that since the Legislature was in "session", the Ordinance could not be passed and it was thus a fraud on the Constitution. Section 3 of the Ordinance was specially attacked as unconstitutional. It was also contended that the ruling of the Speaker given on March 18, 1968 was not open to challenge in courts and that, therefore, the further proceedings in the Assembly were illegal. Even if everything was regular it was argued that the Speaker alone was entitled to endorse a Money Bill and certify it to the Legislative Council and the Governor and since the certificates were by the Deputy Speaker, the two Acts were said to be *ultra vires*.

Now, according to the sequence of events in the Punjab, the first point at issue was whether the Governor's action in proroguing the Assembly on the 11th March, 1968, was justified and valid. The Supreme Court noted in this connection. "The position after the 7th March adjournment of the Assembly was this: The Assembly was in session but it was put in a state of inaction for 2 months by the adjournment. Time was running out and the Budget session of the Assembly had to reach a conclusion before March 31. After that date no money could be drawn from the Consolidated Fund [Art. 226(3)]. The Governor thus had to act and act quickly to put back the Legislative machinery of the State into life. Only two courses were open. One was for the Ministers to ask the Speaker under Rule 16 to recall the Assembly which was, perhaps, attempting the impossible. The other was to prorogue the Assembly to get rid of the adjournment and then to resummon the Assembly". As to whether the Governor's action was a proper exercise of his power under article 174(2)*, the Court observed:—

> "Article 174(2) which enables the Governor to prorogue the Legislature does not indicate any restrictions on this power. Whether a Governor will be

*Article 174(2): "The Governor may from time to time—(a) prorogue the Houses or either House.

> justified to do this when the Legislature is in session and in the midst of its legislative work, is a question that does not fall for consideration here. When that happens the motives of the Governor may conceivably be questioned on the ground of an alleged want of good faith and abuse of constitutional powers. But that is not the case here".

In the circumstances obtaining in the Punjab, the Court held that in proroguing the State Assembly on the 11th March, the Governor acted "not only properly but in the only constitutional way open to him"; there was "no abouse of power by him", nor could "his motives be described as *malafide*". The Court also observed that the Governor's power of prorogation "being untrammelled by the Constitution and an emergency having arisen", the action of the Punjab Governor was "perfectly understandable".

It was sought to be established before the Court that the prorogation came into effect on the 18th March or the 16th March at the earliest. The argument was based on Rule 7* of the Punjab Assembly Rules of Procedure and it was maintained that the notification of the Secretary of the Assembly regarding the prorogation must be deemed to have reached Members on the 16th March. Rejecting this contention the Court observed:—

> "Article 174(2) which enables the Governor to prorogue the Legislature does not indicate the manner in which the Governor is to make known his orders. He could follow the well-established practice that such orders are ordinarily made known by a public notification which means no more than that they are are notified in the official Gazette of the State. There was such a notification on the 11th March and prorogation must be held to have taken effect from the date of publication. It was not necessary that the order must reach each and every member individually, before it would become effective Rule 7, which is framed under article 208 of the Constitution regulates the procedure of the Legislature, but is not intended to add a clause to article 174(2) so as to make it incumbent on the Governor to wait till the Secretary, takes his time and issues the notification (if at all) and informs members....The action of the Secretary (of the Assembly) in sending copies of the Gazette to the members is merely ministerial. Rule 7 cannot be read as a condition precedent for the efficacy of the Governor's order provided it was duly notified".

So, the Court was clearly of the opinion (which the High Court also unanimously entertained) that the prorogation became effective on the 11th March when the Governor issued a public notification.

The Court also rejected an argument that only the Secretary of the Assembly could notify the order of prorogation. It held that the argument ignored the Business Rule under which "the Chief Secretary deals with all questions relating to the Assembly and the Council." The Court further observed in this connection that "Even in England where prorogation used to be through

*Rule 7 : "When a session of the assembly is prorogued the Secretary shall issue a notification in respect thereof in the Gazette and inform the Members. On prorogation all pending notices subject to the provision of the Constitution and these Rules shall lapse".

a writ or writ patent or a commission under the Great Seal of the United Kingdom read in the House, now a proclamation by the Queen suffices under the Prorogation Act of 1967."

As regards the constitutionally of the Punjab Legislature (Regulation of Procedure in Relation to Financial Business) Ordinance which was promulgated by the Governor on the 13th March, the Court observed that after the prorogation of the Assembly "there was no further curb on the Legislative power of the Governor". Maintaining that the power of Legislation by Ordinance is "as wide as the power of the Legislature of the State", the Court added:

> "Article 213(2) provides that an ordinance promulgated under that Article has the same force and effect as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the Legislative Assembly of the State and the Legislative Council (where there is one) and expires after the expiration of 6 weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature of the State".

It was argued before the Court that the Ordinance-making power of the Governor extended only to matters included in the Second and Third Legislative Lists and not to the 'regulation by law of procedure in the Legislature in relation to financial business' provided for in article 109 of the Constitution. The Court saw no force in this submission and said, "The powers of the Legislature are expressly indicated in article 209 and the Governor must, therefore, possess an equal power unless there be an expression of intention to the contrary in the Constitution. There is no such expression of intention and none can be implied from articles 245* and 246* in the face of the special provisions of article 213(2)".

In view of this, the Court held that the Ordinance in question was validly enacted under the power derived from articles 209 and 213. Not only this, it was also convinced that if ever there was an occasion for the regulation of procedure in the Legislature by a law under article 209, it was this. As the Court put it. "The Legislature could not be allowed to hibernate for 2 months while the financial business languished and the constitutional machinery and democracy itself were wrecked." The Court further maintained that by enacting a law for the speedy disposal of financial business the Ordinance had actually left matters in the hands of the Legislature with the only restriction that the Legislature would not adjourn except when a House by a majority desired it. "This", the Court observed, "respected the democratic right of the Legislature but put down the vagaries of action calculated to delay the business". So, according to the Court, "the measure—i.e. (the Ordinance) was eminently healthy and as it was also legal the Assembly was bound by the law enacted". I may mention here that article 209 expressly provides that if and so far as any provision of a law made under that article is inconsistent with any rule made by either House under article 208, the former shall prevail.

The next point dealt with in the judgment is the Speaker's ruling of the 18th March whereby he declared, *inter alia*, that the Ordinance promulgated by the Governor was "null and void" and then adjourned the House. Rejecting an argument that this ruling was valid and binding, the Court observed:

> "The Speaker in his ruling of the 18th based himself on the fact that in his opinion the order proroguing the Assembly on

*Articles 245 and 246 relate to the distribution of Legislative Powers between the Union and the States.

the 11th March was illegal and void. Therefore the Governor had no power to resummon on the 14th the Assembly which stood adjourned for 2 months under Rule 105. It appears from the proceedings that the Speaker was of the opinion that the Legislature was prorogued on the 18th and not on the 11th. We have shown above that the Legislature was prorogued not on the 18th but on the 11th and the resummoning of the Legislature on the 14th after the Ordinance was promulgated on the 13th was perfectly valid. His ruling, therefore, was based on wrong assumption".

The Court answered in the affirmative a question whether the aforesaid ruling could be called in question. The Ordinance of the 13th March being a valid law binding on the Assembly (including the Speaker), the Court maintained that the Speaker was "powerless" and "his adjournment of the session without taking the mandate of the Assembly as required by section 3 of the Ordinance was null and void and of no effect".

Reference was made before the Court to Rule 112 of the Punjab Assembly Rules of Procedure which says that a point of order once raised must be decided by the Speaker and his decision thereon is final. It was urged that "whatever the merits of the Speaker's ruling it must be treated as final". The Court held that this claim was "unfounded". According to the Court, "Points of order can only be raised in relation to the interpretation and enforcement of the rules and the interpretation of the articles of the Constitution regulating the business of the House and the question which is to be decided by the Speaker must be within his cognizance. The finality of the ruling applies subject to this condition". The exact point of order in the present case concerned the validity of the Ordinance. The Speaker, the court pointed out, did not attempt to interpret the relevant constitutional provisions, that is articles 208, 209 and 213; "he did not confine his ruling to matters within his cognizance"; but "asserted himself against a law which was binding on him". "If the Ordinance was to be questioned this was not the method" the Court said. A resolution had to be passed under article 213(2)(a) disapproving it. But, the Court observed, not being sure that the majority would support such a resolution, "the Speaker proceeded to nullify the Ordinance by a ruling which he was not competent to give. Therefore, his ruling was not only not final, but utterly null and void and of no effect".

The last point raised before the Court related to the validity of the certificate in respect of the two Appropriation Bills issued by the Deputy Speaker under article 199(4). The argument was that the provisions of article 199(4) were mandatory and, if this was so, only the Speaker could certify a Money Bill. The Court, however, took the view that the provisions of article 199(4) were directory and not mandatory and hence the certificate given by the Deputy Speaker was in the circumstances of the case, effective and could not be questioned in view of article 212 which provides that the validity of any proceeding in the Legislature of State "shall not be called in question on the ground of any alleged irregularity of procedure. The Court also observed in this connection that as the Speaker was not present when the Bills were passed and as under article 180(2)* the Deputy Speaker acts as the

*Article 180(2): "During the absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or if no such person is present such other person as may be determined by the Assembly, shall act as Speaker".

Speaker when the Speaker is absent, the Deputy Speaker of the Punjab Assembly "was validly acting as the Speaker of the Assembly which continued to be in session".

In conclusion, the Court observed that the situation created in the Punjab was unique, and though the action of the Governor appeared to be drastic, it was "constitutional and resulted from a desire to set right a desperate situation".

Friends, I have quoted the observations of the Supreme Court rather extensively as I thought that these might help us to understand the true import of the judgment and the reasoning of the Court on the main points decided by it. As was to be expected in such a controversial case, the judgment has evoked mixed comments. While some have welcomed it in the hope that it should set at rest doubts that had been raised about the Speaker's powers in relation to the House and the Governor's Ordinance-making powers, others have maintained that the judgment has opened the floodgates of judicial review of the rulings of Presiding Officers and has thereby negatived the principle that the House is supreme as far as the conduct of its affairs is concerned. Apprehensions have also been expressed that the judgment has placed the Legislature at the mercy of the Governor.

Significance of Supreme Court's Judgment

The Supreme Court judgment is undoubtedly of special significance to us as the whole controversy in the Punjab centred round certain actions of the Speaker and certain measures taken by the Governor which directly affected the House. It is, therefore, but proper that this Conference should consider its bearings on the powers of our Legislatures and their Presiding Officers. Here, I would like to suggest that in considering the implications of the judgment it would be well to make a distinction between opinions of the Court which may be of general applicability, such as those involving the interpretation of a constitutional provision, and those which may relate to the permissibility of a particular action in a particular set of circumstances. I think such a distinction is necessary to avoid broad generalisations which may not be warranted.

Let us first take the question of the Governor's power of prorogation. The Court has held that in the circumstances of the case the prorogation of the Assembly by the Governor on the 11th March, 1968 was not only proper, but was also the only constitutional way open to the Governor, if the *impasse* created by the adjournment of the House for two months was to be ended. I may mention that article 174(2) of the Constitution which enables the Governor to prorogue either House does not indicate any restrictions on this power. This was noted by the Court. All the same, the Court indicated that in certain circumstances—that is, when the Legislature is in session and in the midst of its legislative work—the motives of the Governor in proroguing the House may conceivably be questioned on the ground of want of good faith and abuse of power. So, I feel, that the judgment cannot be said to have armed the Governor with absolute power to prorogue the House at his sweet will. At the same time, I would like to urge that the possibility of the abuse of this power—which has been admitted by the Supreme Court itself—should be minimised by developing a sound convention that in all matters relating to the House, such as, summoning and prorogation of the House, the Speaker should be invariably consulted by the Government.

The Supreme Court's view that the Ordinance-making power of the Governor extends to the regulation of procedure in the Legislature in relation to financial business, contemplated in article 209, is obviously a declaration of law which is binding. We have to consider whether this power can be so used as to compel the Legislature to function in a particular way at the bidding of the Executive and, if so, what can be done to guard against such abuse. I may point out however, that there are in the Constitution certain built-in safeguards against abuse of the Ordinance-making power. First, an Ordinance is subject to all those constitutional limitations which apply to laws passed by Legislatures. For instance, as held by the Court in the present case, an Ordinance purporting to regulate procedure in the Legislature connot transgress the constitutional requirement regarding quorum. Similarly, the constitutional requirement that all questions at a sitting of a House should be determined by a majority cannot be circumvented by an Ordinance. Secondly, if an Ordinance is disapproved by the Legislature, it immediately ceases to have effect.

Let us now consider the Court's decision on the Speaker's ruling of the 18th March whereby he declared that the Ordinance promulgated by the Governor was null and void and then again adjourned the House to the 6th May. The Court held that the constitutionality of the Ordinance was not within the cognizance of the Speaker, being a matter which could be decided only by the House. Further, as the Ordinance was a valid law binding on the Assembly (including the Speaker) the Court took the view that the Speaker had no power to adjourn the House without taking the mandate of the House as required by the Ordinance. On both these grounds it was held by the Court that the Speaker's ruling was null and void and of no effect. From this it cannot be concluded that as a result of this judgment, all rulings of the Chair have become subject to a judicial review or that the judgment has upset the equation between the Legislature and the Judiciary to the disadvantage of the former. On the contrary, by holding that the proceedings in the House on the 18th March after the Speaker had left it and the certification of the Appropriation Bills by the Deputy Speaker could not be questioned because of the provisions of article 212, the Court has, in any view upheld the Supremacy of the House in regard to its proceedings. In fact, I feel that in saying that it was not within the power of the Speaker to pronounce upon the constitutionality or otherwise of an Ordinance, that being the function of the House, the Supreme Court has, so to say, vindicated the position which we ourselves have taken, namely, that the Speaker is only a spokesman of the House and cannot arrogate to himself functions which properly belong to the House.

As regards the question of certification, the Court has held that the provisions of article 199(4) are only directory and not of a mandatory character. According to the judgment, in the particular circumstances of the Punjab where the Speaker was not available and where the Deputy Spearker was found by the Court to be conducting the proceedings of the House properly, certification by the Deputy Speaker was in order. The implication of the judgment is obvious, namely that certification of Money Bills, in the circumstances which arose in the Punjab, by the Deputy Speaker may be in order. However, the judgment does not and should not mean that the Deputy Speaker can in all situations certify a Money Bill. In the present case the position was extraordinary; the Speaker, so to say, abdicated his authority for the time being and in the peculiar circumstances the Deputy Speaker had to act in the manner in which he did.

I should like to sum up that the developments in the Punjab were unfortunate; the Speaker should not have acted in the manner in which he did and should not have brought a slur on the fair name of Speakership in this country. I should say that this incident should be regarded as a very special one and there is no need to generalise from this that the authority and position of the Speaker in general have been impaired in any way. I am glad to state that the Court has upheld the finality of the Speaker's ruling on procedural matters and has clearly defined the spheres of work between the Executive, Judiciary and the Legislature. It is now for all the three organs to keep themselves within the limits of their authority and not to transgress upon the functions of the others. Similarly, the authority and powers of the Speaker *vis-a-vis* the House are well known and clearly defined. It is a firm parliamentary practice that the Speaker does not pronounce on the Constitutionality or legality of laws and if we adhere to this position strictly and allow the House to express its opinion freely, we have nothing to fear.

Developments in Procedure and Practice

It has been a tradition with this Conference that the Chairman enlightens the participants with the new developments that have taken place at the Centre with regard to the working of parliamentary procedure and practice so that they can benefit from the experiences gathered at the Centre. I shall now try to fulfil that duty.

For the first time in the history of Lok Sabha, the House sentenced a person to imprisonment for contempt of the House on the 15th December, 1967. When the House was discussing an adjournment motion, a visitor from the Visitors' Gallery shouted some slogans and threw pamphlets on the floor of the House. He was immediately removed from the Visitors' Gallery by the Watch and Ward Staff of Lok Sabha. As he had committed contempt of the House within sight of the House, a motion was immediately moved, and the House agreed, that he was guilty of contempt of the House and that he be sentenced to simply imprisonment till 6 p.m. on the next day. I then, accordingly, issued a warrant addressed to the Superintendent, Central Jail, Tihar, Delhi, where he served out his sentence of one day's imprisonment.

Another unfortunate incident that occurred was the interruption of the President at the time of his Address to both Houses of Parliament on the 12th February, 1968, by two members of Lok Sabha, followed by a walk-out by about seventy or eighty members belonging to both Houses. Subsequently, on the 20th February, 1968 a member moved in the Lok Sabha a motion strongly disapproving the conduct of the two concerned members and reprimanding them. One of the two concerned members who was present in the House on the 20th February, 1968 explained his position. As the other member was not present in the House on that day, the House postponed further consideration of the matter to a subsequent sitting to enable him to explain his position to the House. On the 28th February, 1968 the second member explained his position and thereafter the House adopted the motion strongly disapproving the conduct of both the Members and reprimanding for creating obstruction and showing disrespect to the President at the time of his Address.

I may now refer to procedural developments relating to the Financial Committees of Parliament. The phenomenal increase in Government's investment during the Five Year Plans in the Public Sector Undertakings and loans to private Sector Companies/Institutions had underlined the need for Parliament to scrutinise and approve the

Government's proposals, before the expenditure was incurred. The Public Accounts Committee have therefore evolved some guide lines for taxing such investments and loans as New Services or New Instruments of service requiring prior approval of Parliament and also to bring within its purview Grants-in-aid and subsidies. The Committee have also evaluated the performance of the Railway during the Third Five Year Plan period and have highlighted how over-investment in this sector has had the effect of depriving other important Sectors of economy of the much-needed funds.

An important procedural development relating to the Estimates Committee occurred when certain changes in the presentation of the Defence Budget were made by the Government without prior approval of the Committee. The Ministry of Defence informed the Committee, in the middle of February, 1968 about such changes which were to be included in the Budget for 1968-69 to be presented to Parliament on the last day of that month. As one of the functions of the Estimates Committee is to suggest the form in which the estimates shall be presented to Parliament, the matter was taken up with the Ministry of Finance. The Finance Secretary admitted that such a decision without the prior approval of the Committee was taken under a misunderstanding and assured that there was not the remotest intention of by passing the Estimates Committee's jurisdiction in the matter. The Estimates Committee presented a report on this matter and as suggested by the Committee the Ministry of Finance while presenting the Budget for 1968-69, made necessary clarifications, so as to nullify the proposed changes.

I may also mention that in order to expedite submission of replies by Government indicating action taken on the recommendations contained in the Reports of the Estimates Committee, the Committee have made certain modifications in their Internal Working Rules. According to the new procedure, the Ministries will be asked to furnish statements showing action taken by them on the recommendations of the Committee within six months from the date of publication of the report and no extensions beyond that period would ordinarily be granted except in very exceptional circumstances upto another period of three months with the approval of the Chairman.

The procedure of the Committee on Public Undertakings which was formed for the first time six years ago has also been undergoing constant development. Until last year, the Committee used to examine only those paras of the Audit Report (Commercial) which related to public undertakings selected for examination during a particular year. The Committee reconsidered this matter in 1967 and decided that important paras of the Audit Report (Commercial) which bring out serious irregularities and losses etc. should also be examined each year and a separate report on them presented to Parliament. In accordance with this decision the Committee for 1967-68 selected audit paras relating to one public undertaking and presented a Report thereon. During the current year also the new committee has selected for examination audit paras relating to four undertakings and would present separate reports on them.

Last year in addition to the Public Undertakings selected by the Committee, two *ad hoc* matters were also examined by it. Both these matters had figured in questions asked in the Lok Sabha or Rajya Sabha and the replies given thereto by Government left much to be desired. While one subject was selected by the Committee *suo motu* the other one was referred by me to the Committee for detailed

examination. Both the maters were examined by the Committee and two reports thereon presented to Parliament.

One of the problems before the Committee on Public Undertakings has been the limitation on the number of Undertakings that it can examine in one year. There are about 80 Public Undertakings. The Committee normally examined 6 to 7 undertakings in one year. This, in fact, meant that an undertaking once examined would come up for the second round of examination only after almost 10 years. In order to overcome this handicap the Committee on Public Undertakings is trying a new experiment this year. It has selected 10 undertakings and two horizontal subjects. Besides these subjects, as I have already stated, the Committee will present reports on audit paras relating to four undertakings. In this manner the Committee hope to complete one round of examination of all the public undertakings during the term of a Lok Sabha. As I have said, the whole matter is in an experimental stage and new procedures and techniques of examination and reporting are being developed by the Committee.

As regards Financial Committees in general, I have upheld the decision of my predecessor that it is not desirable to have a general discussion on a Report of a Financial Committee but a specific issue over which there is divergence of opinion between the Committee and the Government, may be brought up before the House and discussed.

I am thankful to you for the patience with which you have heard me and request you now to deliberate on the various items on the agenda. Before I conclude, I would like to repeat what I said last year that our object in meeting here is not only to discuss certain specific questions put before us but we should also make the most out of this opportunity and form ourselves into a well-knit body of persons devoted to the advancement of parliamentary institutions in our country.

Thank you

The Speaker has to abstain from active participation in all controversial topics or politics. The essence of the matter is that a Speaker has to place himself in the position of a judge. He has not to become a partisan so as to avoid unconscious bias for or against a particular view and thus inspire confidence in all the sections of the House about his integrity and impartiality.

—G. V. MAVALANKAR

IMPRESSIONS OF VISIT TO USSR, HUNGARY, EAST GERMANY AND ITALY

—ADDRESS BY SPEAKER, LOK SABHA TO MEMBERS OF PARLIAMENT—

[In pursuance of an invitation received from the U.S.S.R. and Hungary, an Indian Parliamentary Delegation led by Dr. N. Sanjiva Reddy, Speaker, Lok Sabha visited those countries in June-July, 1968. On conclusion of their visit to U.S.S.R. and Hungary, the Speaker also visited East Germany and Italy. The Speaker summed up his impressions of this tour in an address delivered by him to Members of Parliament on the 29th July, 1968. Reproduced below are important excerpts from his address to the Members of Parliament.—*Editor.*]

Friends, it is a very difficult thing for the Speaker to make a speech. After you have put me in the Chair, I have avoided making speeches whether in the House or outside. In this process I am rather forgetting the art of making speeches. To speak as Speaker is much more difficult. When I am abroad I have to speak for all the Parties, not just for one Party. I have to speak for the country as a whole and naturally without deviating from the policies of the Government also. When abroad, we have to spport the policies of the Government, whatever may be the difference of opinion of other hon. Members.

I am told that once the British Speaker was asked to speak in a meeting. He said: "It is very difficult to speak as a Speaker. If I say that the Government is good, the Opposition gets angry. If I say that the Government is bad, the Government Party gets angry." Therefore, he said, "I can only say there is a Government in Britain and nothing more than that."

One thing I may say in the beginning and that is, the three Delegations that I have led till now have all been very good; they have been very good teams. I had the privilege of taking Members from all the Parties. They behaved like a team and not as representatives of different Parties. They behaved as Indians when they were abroad. It is something really remarkable that this kind of cooperation was given by all the Members.

Useful and Educative Tour

On the whole, we had a very pleasant and useful tour—not pleasant in the sense that we had delicious dinners here and there—but in fact we had a really useful and educative tour. Whether it was the tour of Australia or the African countries like Uganda or the East European countries, they had all been very useful tours. They have all done good to us. We go out and try to learn by studying how they have solved their problems, economic and social. Maybe, we don't accept everything they do, but still it is good to go abroad, so that on our return we may

try to copy something in our country and also learn from their experiences.

I am not going to speak about the Australian tour when I had the pleasure of taking Shri Atal Bihari Vajpayee and so many other friends from the Swatantra as well as the Congress and other parties. I have made it a policy to take 50 per cent of Members from the Congress and 50 per cent from the Opposition each time. We give representation to one Party each time. Till now I have not been able to give representation on these Delegations to my D.M.K. friends. I am really sorry. This time I am trying to take these friends to the I.P.U. Conference. I don't think I can claim to have given representation to the P.S.P. also, because going to Nepal cannot be considered as much of a foreign tour though Nepal is an idependent country.

This time, before we left, I had told my Russian friends who contacted me that we would like to go to some places which are difficult to reach, so that we may see the developmental activities in those areas. I had given them an indication that we would like to go to Siberia. Normally we are taken to Leningrad or Volgograd which was called Stalingrad, and to some other places where there are steel plants or which are industrially-deveoped areas. I said that that was not our purpose; a Minister coud go there and study those things. But we, the members of the Parliamentary Group would like to see some of the difficult areas which they had developed. I had given them that indication. Therefore they had fixed up a programme for three days in Siberia—so far away. Perhaps the Capital of Outer Mongolia, Ulan Bator, is only a few miles from there. We spent three days in IRKUTSK.

Remarkable Development in Siberia (U.S.S.R.)

At the outset I may say that the development there is something remarkable and impressed us most. We should give all the credit to the people who have worked there and who have built up that area. We saw the Power Plant in BRATSK—perhaps the biggest in Russia today—producing something like 4.2 million KW of power; and because of the availability of power, a number of industries like aluminium plants etc. have come up there. Siberia is a huge area, from one end to the other. Russia itself is a huge country. If it is dinner time in one town, it will be breakfast time in another town. We started from Moscow in a plane and it was round about 9 A.M. We reached IRKUTSK while the people there were taking their dinner; in Moscow they might be having their breakfast at that time. We missed our lunch that day!

Siberia is a sparsely populated area. There are still the tribal or original people living there—ERKUTSK or something like that. They are only a few lakhs in number, but a large number of Russians have been sent there to rehabilitate and develop that area—millions of them to different places in Siberia. I had requested our hosts to show me some of the local people. It was a job for us to find some local people whom we could see and talk to. Ultimately, when we went to Baikal Lake they did bring an ERKUTSK to show me—some petty officer somewhere there. I am saying this because unless some people like engineers, technicians etc. are sent to such areas, they cannot be developed only with the help of the local population. If they say that it is a water-tight compartment and nobody can go there, Siberia will be Siberia not only now but for thousands of years to to come... It was really a pleasure to see such a distant area like Siberia being so highly de

veloped industrially as also in agriculture.

Visit to Tashkent, Samarkhand, etc.

The Chairman of the Upper House, which they call the House of Nationalities, came with us. The reception was very good, I should say. I am very thankful to the Russians for the way they treated the Parliamentary Delegation. The President of the Lower House accompanied us when we went in some other direction. I had requested them to take us from Siberia to Tashkent, Samarkhand and such other historic places. At Tashkent I was interested to see what havoc the earthquake had played with the people's destiny. But we could see no sign of any devastation, absolutely nothing. We could not imagine that there was a devastating earthquake at all there. The whole town has been reconstructed now. It is a huge town, perhaps the third biggest or the fourth biggest town in the Soviet Union. Huge blocks of buildings have come up there, each Republic taking up the responsibility of constructing a certain block or so. Thus, the whole town has been reconstructed. I asked the Ministers of that Republic whether the damage was extensive. They said 'no'; the damage was not much, because there were only cracks in buildings and no building had crumbled. Only 7 or 8 people had died on the whole. Even then, to reassure those peope, all the other Republics came to their aid and after demolishing all the buildings with cracks they have reconstruced a new city there. It is something remarkable to see the determination of the people and the assistance that the other Republics gave to this Republic. This is something really very good.

We also went to a farm. Being an agriculturist myself, I was very much interested in seeing a farm, from the day, the moment, we landed there. In Tashkent two things I asked for—of course other things like matters of culture, buildings, libraries they would show—but I wanted to see two things. I wanted to look at the place where Lal Bahadur died. Then, I wanted to see a farm and spend some time with the farmers. Of course, we went to the place where Lal Bahadur breathed his last. Unfortunately, we lost a Prime Minister in that building. We paid our homage by placing a wreath there and then came back.

We went to Samarkhand to see the cultural ties between India and Samarkhand in the past. There we saw architecture, historical monuments, and all these things reminded us of India's past and her monuments.

Life of the 'Kisan' in U.S.S.R.

Now, I liked to see a farm. In the Soviet Union the Asian Republics are not as advanced as other European parts. There is no denying that fact. Despite attempts made to bring them on a level with other European parts, Asian Republics are not so highly developed. But still, I was very happy to see the mechanised farming there. Huge crops had come up, and the life of the 'kisan' there is better compared to other Asian countries. As I wanted to see some kisan's house, they took us to one house. Last time when I had been there in 1965, I had wanted to see a labourer's house, a mining labourer's house. They had taken me to a house which appeared to be very well-equipped with furniture, crockery, etc., and which was much better than a zamindar's house in our country. This time they took us to a kisan's house. They took us to a house which was very beautiful, very very well furnished with crockery worth thousands of rupees, and the *razais*, bed-sheets, etc. were of a high standard. When we came out, the manager of that farm

said: "Let us go to some other house. You choose any other house, Sir". Then we went to a house; that was the house of a barber who was attached to that farm. That was also really good. The woman of the house and her daughters were surprised when we went in, and they shouted at the manager for having brought us there without notice. From the way they shouted at the manager I felt that they would beat him up. It was as good as the other house, with *razais*, crockery, television, etc. I compared ourselves with them. Even a middle-class family, an upper middle class family in India does not enjoy the same privileges and benefits.

Population Complexion of Uzbekistan

I must also say something which may not be very palatable. The population complexion of the Republic has changed completely now. It is called Uzbekistan. It is not the Ubeks that live there: it is 60 per cent Uzbeks, 40 per cent Russians and others. But an integration has taken place. People from other parts of Russia, that is, European parts, come and settle down there. They have taken employment there and have put up some industries. I was reminded of the Indian Scene, tion When I saw people in the street, the Uzbek men, women and children, I was very happy to see the integra- children playing half-naked, women carrying buckets and all that. They are far advanced than we. There is no doubt about it. But still I felt that the difference is there between the Russians and the local people in general. It is but quite natural. For instance, if somebody from Madras or Andhra goes to Assam for work, it is only the educated people, the engineer or the intellectual that goes there In a similar way, the Russians have come to Uzbekistan and to other Republics Naturally it is only the cream; they are employed there in offices and in factories. Therefore they appear to be a special class, being the people employed at higher levels. The other people were working at lower levels and appeared like the working class, with a little lesser income. That difference I could see.

Visit to Georgia

From there we went to Georgia. I saw a building and I asked the person who accompanied us if it was Stalin's place. He said "Yes, it is Stalin's place". But it is for them to do whatever they like to do with Stalin's memory; it is not our business. His name even in his own State is completely wiped off. But what a lovely and beautiful place! Hiren Babu told us a story before I went to a dinner, which I shall repeat. He got it through somebody It is this: God was distributing land to people. Some people went a little late; they saw a big queue. Those people thought, "Why stand in such a big queue, let us go under a tree and have vodka. After some time when they recovered, they found that the queue had already finished and God had also gone away. So they went to God and banged His door and asked "Where is our land?" God replied, "I have already distributed it, nothing is left with me, except a small piece which I have reserved for myself". They offered some vodka to God. It was so nice and God was so pleased that he thought that they must be given some land. So He gave them the land which He had reserved for Himself. That means, Georgia is such a lovely place—God's place, which He has given to them....

Joint Session of U.S.S.R. Parliament

Another point I would like to mention In Moscow we spent two or three days. And the day we reached Moscow we wanted to see the Parliament The Parliament was then in session. We reached there at 9 o'clock. Ten

o'clock was the time of the meeting of Parliament. We thought we could go to our rooms, have our bath and then go there. They left the choice to us. They said: "At 10 o'clock Parliament starts. Our President and the Speaker would like you to be there in the seats before the Parliament starts. But if you want to come at 11 o'clock, you can come at 11 o'clock also." We could understand them. So we went there two minutes before 10 o'clock. It was a joint session of both the Houses, i.e. about 1,500 members sitting. On the dais of the Presidium, the Prime Minister, the President and all of them were sitting behind the Speaker. The Chairman of the Nationalities, that is, the Upper House, was to preside. He entered the House. Without even sitting, he introduced me and the other members of our delegation as—"our guests, they are in the House".

The moment he announced that they were very happy to see us, the whole House including the Prime Minister got up and received us with claps and acclamation for about two minutes, which was something remarkable. It was a great gesture shown to us. In Australia also we had the same reception. Atal Bihariji and other members were there. There, when we went in and were sitting in the gallery, the Speaker got up and said, "Here is a delegation from India. May I have your permission for the Speaker of Indian Parliament to come and sit on the Floor of the House? Both the parties—the Opposition and the Government—said, "Yes, Yes." A chair was put by the side of the Speaker and I was taken there. Why I am saying this is not because they honoured me, but they honoured the Speaker of the Indian Parliament. I am saying this because we do not take notice of the guests who come to our country. We invite them to sit in the gallery. We do not mind who comes and who goes. We don't even make a mention of the honoured guests who come to us. I would very much like to do something in this matter, in consultation with the Leaders of the Opposition Groups—to recognise them as they do recognise us, and honour them. We do not want anything else to be done, but only say, "Here is Mr. so and so, the Speaker of the Russian Parliament, the Speaker of the Australian Parliament", and then the Members will know. They may either clap or do something. The other day I discussed it with the Leaders of the Opposition Groups and said that there should be no scenes at that time

Working of Parliament in Russia

The Parliament in Russia meets twice a year. It may meet three to four days once and another time for three to four days. The whole work is done by the Committees because there is not much of difference between the Party, the Parliament and the Government. There are 16 to 17 Committees. We met the Chairman of the Committees separately —both the Presiding Officers being there. The Parliament there does not do the work that we do here—the discussions and all that. On the day when we were there the Foreign Minister made a very important statement on foreign policy. It was a policy statement. He made a speech for nearly 1½ to 2 hours. There was prolonged clapping and applause, and no discussion like here, or attacking the Government and all that. There is no such thing. They say we have other better work to do. While we were going away from there, they told me privately: "Our Members of Parliament are not professional politicians. They are engineers, doctors, Government servants, farm workers and labourers. Therefore, we are not professional politicians." I said, "We are also not professional politicians. Many of us are lawyers, advocates, doctors, businessmen or agriculturists. There are no professional politicians in India also. The allowances that we give are not

even 50 per cent of what you give to your Members. Unless they have some other income they cannot live on this meagre amount that we give—Rs. 500". They give about 200 roubles or something like that. It will be about thousand and odd rupees. They call it a small allowance. I told them plainly "our Members of Parliament are not professional politicians. They are politicians, no doubt, but they have other vocations in life."

We were very happy with the gesture shown to India. It was not shown to Sanjiva Reddy or somebody who was in the delegation, but it was for India. We were wondering whether this gesture of goodwill had anything to do, if at all, with the Pakistani deegation that was staying in the same hotel where we were. They were negotiating about the arms deal. We avoided talking about it, though they were staying in the same hotel and dining in the same dining hall at the next table. In our talks with the Soviet Prime Minister we discussed so many things but not this, as our President was expected to be there within a week. It is not the job of the Parliamentary Delegation to go into controversial matters. We go there to create goodwill. Therefore we did not discuss this.

Our friends were very happy that I made one point. In Russia they have reduced differences between man and man. There may be a person drawing 600 roubles and there may be a person drawing 50 or 100 roubles but the difference is not very big or very steep. I asked them one question, "As long as the under-developed nations, poor nations, beggarly nations, nations without food are there, and some developed nations try to take the advantage of exploiting them, how can there be peace in this world" It is not enough to create in your own country circumstances where differences are reduced, we should reduce it between nations also. You, developed nations, will have to help the under-developed nations to come on par with you." He agreed. He said, "Yes, Yes." We skipped over it as I did not want to rub it further. I only wanted to make it plain that the under-developed nations—hundreds of millions of people—cannot be kept like this and the developed nations taking advantage of it. We had talks with the President also, but I may tell you here that we never raised any controversial questions.

We met a large number of people. Of course, the usual visit to Leningrad was there in that Red Arrow train. Normally, they take us in the trains and bring us back in a plane. On the whole, the visit to Russia was very educative....

Visit to Hungary

From Russia we went to Hungary....

Hungary is a fine country. I had seen Moscow full of life, the streets were full, everywhere peope going about and enjoying life. In Budapest I saw much more activity. The streets are always full. There private shops are also allowed. In Moscow it is not so. But in Budapest they have allowed private shops. Private Industries employing less than 100 workers are allowed. More than 100, it becomes the Public Sector. Therefore, one can have a small private industry in Hungary. You can have your own shops. Government shops are also there. If the Private Sector can sell things cheaper, people will go only there to purchase. There we stayed for four days. On the fifth day we had to leave. We went to the Balatona lake fifty miles away from Budapest. It is a beautiful lake. We have a number of lakhs in India. We have not developed them. But they have developed them. Lakes over there have got beautiful hotels. Tourists from foreign countries go and

stay there. They have got steam boats and all sorts of facilities are there.

We do not have a lake like the Baikal lake—the biggest lake in Siberia. The length of it is nearly 1,000 kms. It is a sweet water lake.

The Angara river takes birth from the Baikal Lake in Siberia. There they told us a story. Angara, the daughter of Baikal joins the river Enesi. Angara runs fast towards the bridegroom, Enesi. But, Baikal did not like her daughter running towards Enesi so fast. She threw a stone to stop her and that rock is there still.

The thing which interested us in Balatona was the statue of Rabindra Nath Tagore. He went there more than 30 years ago. He stayed there for health reasons. His statue is there. They call the whole avenue as Tagore Avenue. It is the most important place where people go for boating.

I saw the statue, which was not at all good. I wish that we send them a statue, a bust of Tagore to replace the old bust there, as it is not in good condition. I was really proud that an Indian before Independence, long before Independence, could go there and create such an impression. One or two of his verses were quoted there. I think Hiren Babu will put it in a better language than myself. We were very happy to stay there for a few hours and we came back.....

We were in Hungary for three days. One day we spent in the Balatona Lake and two days in Budapest. Then we dispersed on 5th, our delegation having completed its work. Hiren Babu left on 4th, and the rest of us on 5th. Some went in one direction to London, some to Africa and some to Outer Mangolia When we dispersed like this into different small parties, I told our delegation members at the last meeting, "we are a multi-party organisation Our Parliament is a multi-party organisation. Here are a number of parties." Everywhere I introduced them in this manner so that they might know it is a multi-party delegation. I said, "We are dispersing from here. Some are going to London. Some are going somewhere. But our objective is one—i.e. to go back to India. Our politics may not be the same. Our approach may be different but our ultimate aim is to improve the condition of India whether he is a communist, socialist congressman or another." I told them like that and they were happy.

Visit to East Germany

So, after our friends left, I went to East Germany. Perhaps, this is the first time, an individual like the Speaker, officially went to that country, because we have no diplomatic relations with them. In West Germany we have our Ambassador. In East Germany we have nobody except a representative of the State Trading Corporation....I went to East Germany alongwith Shri Banerji... I went to Berlin. I stayed there only for a day, I had about two hours meeting with the Prime Minister there....About agriculture I told him, "From the Indian point of view whatever applies to Germany does not apply to India. You can mechanise your agriculture and you can release millions of people who can take job in the Industry. But we have no industry to employ millions of people. If we just mechanise the whole of agricuture and throw about 400 million people out of the job from agriculture, what can we do with them? Therefore, we have to go slow." Of course he had his own views and I had my own. Ultimately we agreed. We had a chat a cup of coffee, cigarettes, etc and we dispersed

Rostock is a place about 120 miles from Berlin That is in the Baltic sea It is a port which they have developed

recently after Hamburg went to West Germany. They have developed the town of Rostock as a naval base. They had the Baltic Week then. That means, all the Baltic nations, including non-communist nations, met there and talked about peace and other matters. I was very happy to be with them on that particular occasion in that particular area. I met the President Mr. Ulbricht who had gone there earlier, as also all Ministers. In the morning we started at about 8 O'clock. Then the parade commenced and went on till 1-30 p.m. There were the workers, the students and everbody, Russian army-men and others. I felt it was a very good thing.... There were large number of workers there and all of them showed great enthusiasm. It was then drizzling. But still the parade was really remarkable and we enjoyed it.

Brief Halt at Prague (Czechoslovakia)

On my way it was really good that my plane stopped in Prague for nearly 2½ to 3 hours. Luckily I sent word to our Ambassador to meet me at the aerodrome. Of course the Czechoslovak Ministers and some of their representatives came there. There was also the lady who was the representative of the United Nations. She also came to receive me. There were some officials of the Foreign Ministry, the Secretary or some such officials. I then suggested to the Ambassador that instead of wasting 2½ hours in the aerodrome, I might better go and see the town. It is a small town after all. I went round and saw the whole town, street by street. Three hours time is more than enough to see such a small town, much smaller than Delhi or any other place. I went to the Ambassador's house also later on, because there was some time still left. The life of the people there, their activities, their enthusiasm, their love of freedom etc. is something which we rarely see in any town. It was really something remarkable. It impressed me most. I thought, here is a country—whether it is communist or capitalist, I am not interested—but here are the people who love something. After all, if the people of the country want to follow communism, let them follow. If the people want it, who can prevent them? This is really something remarkable. But I am glad, not only other people, but the communist countries themselves feel, some of them like Marshal Tito, or the people in Rumania or the Communist party of France, or Communist party of Britain, Communist party of Italy, etc.—they all feel that the enthusiasm and zeal of the communists in Czechoslovakia should not be disturbed and this is something which is really good. If they commit a mistake, they will learn. It is their job. If they commit mistakes, they will learn by their own mistakes. Nobody should enforce something on them. I could see that.....

Visit to Italian Parliament

When I was in Rome *enroute* it was good that I met the Speaker of the Lower House of the Italian Parliament. He took me to his chamber and asked: "Why don't you witness the proceedings of the Parliament where the confidence vote is being discussed, the new Government is being formed and the House has to give vote of confidence?" Italy has a multi-party Government. No one party can form the Government there. 2 or 3 or 4 parties will join hands. The Speaker took me to the House. They took television, they took photos, this thing and that thing. I was sitting in the gallery. The Prime Minister was there watching the debates and the debates were going on quite vigorously. A number of parties were there. By being an impartial observer we learn some good things in every country. Not that we copy everything.

Utility of Parliamentary Delegations

I think these Parliamentary delegations do not spend much after all. Except the plane fare, they do not spend anything. They are the guests of those countries where they go, and their travel is also done in the Air-India plane. Therefore nothing is spent except some rupees and there is no foreign exchange involved. The Government might have given us a few hundreds of pounds of foreign exchange and nothing more than that. On the whole I feel these delegations are very useful. I wish I could take bigger delegations. I mean, the number is now limited and it is better if we have larger number of them, and if not in the same delegation, let us have more delegations. After all, the expenditure involved is very little. Ultimately if it comes to that, we must pick up people who are prepared to spend their own money. I do not mind that. The delegation must go and create goodwill there. Of course. I am sure this is accepted by everybody. Some hon. Members are pointing out to Dr. Ram Subhag Singh. I know, Dr. Ram Subhag Singh has a very unpleasant job of fighting our cause in the Government. I know how much he is struggling for everything. Whatever decisions we take, they are not easily accepted by the Cabinet and by the other Ministers and he has to fight our battle there and he can only convey our feelings. I am really happy that this delegation went of very well. There was not one incident anywhere in all the three delegations. I took Shri Umanath to Uganda and other people from other parties, left communists and CPI, and Jan Sangh and Swatantra—all of them. But on no occasion did I regret having multi-parties in India. Whatever may be the views of political parties here, they are all Indians while abroad. I am very proud of that. I am very happy that I have been given the chance of heading the delegation.....

I thank you, friends, for giving me this opportunity.

The world is meant to be a partnership. It is meant to be a friendly universe. We are born to love, not to hate. We are born to help one another, not to destroy one another.

—S. RADHAKRISHNAN

Articles

IS PRESIDENT'S RULE DEMOCRATIC?

—S. N. DWIVEDY

One of the reasons, why the Constitution-makers thought it prudent to give an elaborate written constitution to India, is because this country was about to enter into a novel experiment in democratic development. Apart from the multifarious problems that faced the Nation after the withdrawal of British imperialist power, the change over from a semi-autocratic rule to a free, independent and democratic republic was a revolutionary transformation. The need for a written constitution perhaps became still more necessary because India did not hesitate to introduce adult franchise in a country where the vast population of the electorate was illiterate. Some even expressed doubts about the success of democracy under the circumstances and felt that the country was rushing forward to take measures which should have been taken in a gradual manner. Even now there is a substantial section amongst the intellectuals which feels that the present disturbing trends in some spheres of our constitutional progress is largely due to the inability of the majority of the electorate to exercise their franchise in a mature manner. The Fourth General Election in the country has clearly disproved this assumption. If anything, the Indian electorate has shown a remarkable sense of maturity and discrimination by breaking the monopoly of power enjoyed by a single Party for the last 20 years. The situation has undergone a qualitative and quantitative change. This factor has to be taken note of. When the Constitution-makers decided in favour of a federal constitution, they hardly visualised that there would be different parties in power at the Centre and in the States. If that were so, there would have been necessarily a certain provision in the Constitution to meet this contingency. The very fact that a great agitation is going on to consider afresh the Centre-State relationships shows that the present arrangement is not satisfactory. There are several other aspects of the Constitution which need a review and revision and the sooner that is done, the better. These relate to social objectives such as right to property etc. All these are long-term objectives.

What I personally would like to discuss, and I think our constitutional pandits should give serious thought to, is in regard to the democratic rights given to the people under the Constitution. The democracy of a country can be strengthened and people's interest in furthering its success can be assured only when the people's freedom is enlarged under the Constitution. In a democratic parliamentary set-up, Parliament and legislatures becomes the people's only forums. Their rights are to be preserved and enlarged. Lest they act in a haphazard manner, sufficient safeguards have been provided by the institutions of Supreme Court, Auditor-General and the Election Commission.

Hence under the present Constitution there is hardly any prossibility for these people's forums i.e., legislatures, to act in a manner to curb people's rights. But the recent experience shows that on many occasions, legislatures in the country are not being given full opportunity to function. At least in two States the Speakers of the Legislative Assemblies have usurped the rights of the legislatures and prevented their normal functioning. Let us hope this sort of undemocratic action would not be repeated.

But the main question that needs immediate attention is whether the invocation of emergency powers vested in the President under the Constitution leads to curtailment of the legislative powers of the people. In our Constitution these powers have been defined and three types of emergency are visualised:—

(i) the War Emergency,

(ii) the Constitutional Emergency in States, and

(iii) the Financial Emergency.

So far as this article is concerned, I would deal primarily with the question of constitutional emergency in the States as visualised in Article 356 of the Constitution. This provision in the Constitution was made with a view to making the President Act when normal constitutional machinery is paralysed in a particular State. These are very extreme situations visualized in the Constitution. In fact when this and other provisions of emergency were being discussed in the Constituent Assembly, great doubts were expressed by some members about the abuse of this power for political purposes. Replying to the debate in this connection, Dr. Ambedkar said: "I do not altogether deny that there is possibility of this Article being abused or employed for a political purpose, but that objection applies to every part of the Constitution which gives power to the Centre to override the Provinces. The proper thing we ought to expect is that such Articles will never be called into operation and they would remain a dead letter."

Since the promulgation of the Constitution in 1950, no occasion has arisen for the President to intervene in any State under Article 360 for financial emergency. Emergency under Article 352 was, however, proclaimed only in 1962 after the Chinese agression that year. But right from the year 1950, when our republican constitution was promulgated in this country, on 15 occasions the President has intervened in many States under Article 356. In some States such intervention has been for more than 3 times. At present, U.P., Bihar, the Punjab and West Bengal are still under President's rule and an early election has been promised.

Various factors have come into play in all these States. It can not be stated that the constitutional provisions were fully observed in letter and spirit in all cases. The brief spell of President's rule in Rajasthan and the dismissal of U.F. Ministry in west Bengal by the Governor without giving an opportunity to the Legislature to test its majority have been characterised as purely political actions in many quarters. So also, the parade of members of State legislatures before the Governors for proving majority-support is an unhealthy and undesirable practice. It should be completely stopped. The only forum, in such cases, should be the Legislative Assembly. To take over the administration from the hands of the elected representatives and to dissolve the legislature is only the extreme action that could be taken in a democracy. But the manner and frequency in which this is being done creates a feeling of concern for proper constitutional development.

A close reading of the Constitution will show that the Constitution-makers did not contemplate such an intervention to continue beyond six months. But in most cases, this is prolonged and people are deprived of an elected legislature for a considerable period. It is argued that however long this period might be, the affairs of the State are carried on by the Parliament; legislative measures are passed there; Parliamentary Consultative Committees function specifically for such States and elected representatives of the State who represent the people in the Parliament work as watchdog of the people of the State; and Parliament approves the budget and oher financial measures. Hence his practice, it is said, cannot be strictly called undemocratic. But really speaking, the State budgets and other measures are hardly discussed. Parliament does not find time adequate enough to do justice to deal with such a situation. Hence for all practical purposes, the States under President's rule are governed by a bureaucracy with the Governor at the head. The appointment of Governors, being made by the ruling party, are likely to be criticised as contrary to the verdict of the people, when as in some States the party alignments changed from that at the Centre. Politically such a rule leaves a bad taste and leads to dissatisfaction of the people.

During this period, no worthwhile programme of development takes place and thus in the absence of an elected Government, the interest of the State suffers. These are some of the very demoralising features of the entire picture.

India is passing through a period of development in its political life and this picture of political instability is likely to continue for a considerable period. Multiplicity of parties with varying and often contradictory ideologies and programmes is likely to become a common feature and Coalition Governments seem to be inevitable. Even after mid-term elections, there does not appear to be a qualitative change. As it is, the number of political parties in the country is increasing after every general election and at the present moment almost all political parties are showing tendencies of disintegration and fragmentation. In such a situation, early elections and taking the verdict of the people may ultimately be the only right democratic method. The electorate will have to take responsibility to provide a stable and efficient administration. The choice must be theirs and therefore more often mid-term elections may become inevitable. We are facing three such elections in the country, in the States of West Bengal, U.P. and Bihar only a couple of months hence.* It is just possible that in one or more States situation might develop in the same manner. From the programme of election announced by the Election Commission it is clear that in some States, the President's rule will continue for more than six months. This is hardly a desirable development.

The seriousness of this development is not felt as the Parliament continues in a normal manner. Let us think for a moment the continuation of President's rule at the Centre for more than six months. Wisely, therefore, no provision was made for President's rule at the Centre. The same policy should be adopted for the States also. If ever, whatever the reasons, there is constitutional breakdown and the administration of the State is not carried on in the normal manner and President's intervention becomes absolutely essential, then the Assembly might be dissolved and immediate elections should be announced. The President will take over

*Mid-term elections will also have to be held in the Punjab where President's Rule has been proclaimed in August, 1968.

only for the purposes of election. If France could call for a new election within a few weeks, it will not be difficult in the States to organise mid-term elections within six weeks. Let not the Political party at the Centre or even the Governor decide what stability is and how stable Governments should be formed. It should be for the people to decide. I plead for an amendment of the Constitution, specially article 356 in this direction.

In a democracy, big decisions could be taken only through the representative system of Government and through Assemblies and Parliament No other method could work successfully.

—JAWAHARLAL NEHRU.

THE BRITISH SPEAKER —LINCHPIN OF DEMOCRACY

—DALIP SINGH

India, like other Commonwealth countries, has adopted the parliamentary system of government after the model of the Mother of Parliaments (i.e., the United Kingdom) and also by and large vested the Indian Speaker with status and powers that are being enjoyed by his British counterpart. Unfortunately, the office of the Speaker in India has become a subject of public controversy and, indeed, has evoked unprecedented constitutional controversy in the country that needs not only the rational and proper understanding of our Constitution but also the British traditions on which it has been modelled. Therefore, it would be befitting and appropriate for us to understand the whole history of the British Speaker who is now the linchpin of British democracy

The Speakership of the House of Commons is one of the most honourable, dignified and onerous offices in the world[1]. To be elected Speaker of the British House of Commons is considered to be the highest honour that can be conferred upon any one[2]. Like the British Constitution, the Office of the Speaker, is also the result of slow and steady evolution and was not deliberately created to a preconceived pattern[3]. It may be recalled that over six centuries, the duties of this high dignitary have gradually evolved and after many vicissitudes and tribulations, the office of Speaker has become the pride of the British nation—a model to be admired and copied practically all over the world, and the presiding officers of all the democratic States draw their inspiration from the British Speakership.

1. Genesis of the Office

The first Speaker officially recorded in the Parliamentary history of Great Britain is Sir Thomas Hungerford in 1377 and the words of the Rolls of Parliament speak of him vividly: "avoit les paroles purles Communes" i.e., he spoke for them—on their behalf[4]. The Speaker of the House of Commons was originally so called, because his function was to speak for the Commons in all the proceedings of the Parliament in which they were allowed or required to take part[5]. Here is the original

[1] S. Gordeon ; *Our Parliament* (6th Ed. 1964) p. 71.
[2] Parliamentary Deb. Commons 1945-46 Vol. 413 C. 2.
[3] Philip Laundy : *The Office of Speaker* (1964) p. 3.
[4] Briers, P. M. & Others : *Papers on Parliament—A symposium* (Hansard Society, London 1948) p. 7. *See* also Norman Wilding & Philip Laundy : *An Encyclopaedia of Parliament* (1958) p. 543.
[5] Abraham & Hawtrey : *A Parliamentary Dictionary* (1966) p. 179—*See* also Philip Laundy : *The Office of Speaker* (1964) p. 33.

concept underlying the office that the Speaker acted as a mouth-piece of the Commons and communicated their resolutions to the King. Thus to begin with, the principal function of the Speaker was "to sum up the case of both sides at the end of the debate and to speak the views of the House in the contentions with the Crown[1]". The Speaker while conveying it to the King would not mention which member had proposed a bill which the King did not like, or who was in favour of and who was against what the Commons had decided. All he did was to report the final decision of the Commons—a decision made by the Commons as a whole[2]. It was obvious because of the fact that the Commons were then merely a petitioning body who were fighting against the tyranny of the Kings of their Ministers, and it was, therefore thought dangerous if their intentions and thoughts were communicated by the Speaker to the King, who could punish them with ferocity and terror. This was indeed a very irksome and unpleasant duty for the Speaker[3]. "One can feel real pity for a Speaker who had to convey to a powerful King messages from Parliament which he knew would anger the King". For example, King Henry VIII once told a Speaker that if the Commons did not quickly pass a bill that the King wanted to be passed the Speaker would lose his head[4].

II. Evolution of the Office: Speaker as King's nominee

The evolution of the office of the British Speaker can be divided into three periods which are distinctly marked for the respective roles which the various Speakers had played during each period. To begin with, the Speaker's function in those early days was not to preside over the meetings of the House, but to listen to all that was said and to collect the views of the House as a whole for communication to the King. But the members of the House of Commons never relied too implicitly on him, as they invariably attended him when he appeared before the King or the Lords, probably to ensure that in expressing their will he did not alter the sense that they had intended to convey, either by addition, omission or distortion[5]. But soon he became almost as much the mouth-piece of the Sovereign within the Chamber as of the Commons outside[6]. His presidential role also came into prominence and evolved as Parliament itself evolved. Although the King was supreme over Parliament as he could alone issue writs for election or summon the House, order suspension of its sittings or dissolve it, yet he could not ignore the exercise of his influence on this office. It is probable that early in the history of the Chair, if not from the first, it was necessary for the Commons to have leave of the King to choose a spokes-

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[1] Michael Macdonagh : *The Book of Parliament* (1897) p. 115.

[2] Horace King : *Parliament and Freedom* (4th Ed. 1953) p. 48.

[3] Hence the practice grew that when a name was proposed for the Speakership, the member concerned very often begged not to be elected and also made a speech pointing out what a bad Speaker he would make : When the new Speaker-elect went to the King to tell him that he had been chosen by the Commons, he again would point out his unfitness for the post and ask the King to choose somebody else. Therefore, the Speaker was virtually dragged by his proposer and seconder, for being conducted to the chair in those times. It was a useful alibi for the Speaker to tell the King that the Commons have compelled him to take the chair

[4] Horace King : *Parliament and Freedom* (4th Ed. 1953) p. 49.

[5] Phillip Laundy : *The Office of Speaker* p. 144.

[6] Michael Macdonagh : *The Speaker of the House*, 1914 p. 125.

man, though the earliest record of the royal permission is in relation to the appointment of Sir Arnold Savage as Speaker in 1401.[1]

Till towards the end of the 17th century, the Speaker had been King's man[2]—in effect nominated by the King through formally elected by the Commons[3]. The Tudor and Stuart sovereigns ensured that the key position of Speaker was filled by compliant candidates of their own choosing who in effect managed the royal business in the Commons and reported upon the attitude of Members[4]. Sometimes, the Speakers acted as spies for the King[5]. They received pay from the Crown and held high offices of State concurrently with Speakership in lieu of the services which they rendered to the Kings. The practice of the Speaker to vacate the chair when the House goes into Committee is originally the result of the Commons' mistrust of their presiding officer. Knowing that he was liable to betray their confidence to the King, they preferred him to be absent when they wished to debate freely[6].

Although the role of the Speaker was in a state of flux yet the reign of Charles I saw the climax to the struggle between the King and the Commons which led to the establishment of the principle that the Speaker's first duty was to the House. But it may be recalled that Speaker Sir John Finch (1627-28) was regarded as the agent of Charles I who retorted to the Members of the House of Commons "I am not less the King's servant for being yours", when he was forcibly held in his chair in the House[7]. In this incident one can perceive the then conflicting conceptions of the Speakership. Charles I considered him as his agent and the Commons on the other hand considered the Speaker as their own representative and spokesman. But a dramatic development took place in 1640 when Speaker William Lenthal played a significant role in preventing the arrest of five members of Parliament. It was an assertion of the doctrine that the Speaker was the spokesman of the Commons rather than the servant of the King. Charles I came to the House of Commons escorted by a band of soldiers and demanded of Speaker Lenthal the surrender of five members on a charge of treason. Speaker Lenthal replied, "May it please your Majesty; I have neither eyes to see nor tongue to speak

[1] *Ibid.*,—p. 126.

[2] The Office was filled by men like Thomas Thore (1453) who had been brought up from childhood in the royal service ; vide, *Papers on Parliament—A symposium*, p. 9.

[3] Campion & others : *Parliament : A Survey* (2nd imp.) 1955 pp. 50-51. *See* also D.L. Keir : *Constitutional History of Modern Britain since 1485*. 7th Edition 1963—p. 482.

[4] S. Gordon : *Our Parliament*, (1955), p. 77-78.

[5] Horace King : *Parliament & Freedom*, p. 48.

[6] Norman Wilding & Philip Laundy : *An Encyclopaedia of Parliament*, (1958) p. 544.

[7] Charles I had ordered Speaker Finch to adjourn the House and when the question was put by the Speaker there were cries of 'No' 'No'. Thereupon the Speaker said that he had been commanded by the King to leave the chair if there was an attempt to prevent adjournment. Immediately, a member forced him to remain in the chair, and one member locked the door of the chamber and pocketed the key.

Three resolutions were proposed and the Speaker was asked to put the question. With tears in his eyes he said, "I will not say I will not, but I dare not" A confused debate followed and when it was reported that the King's guard was approaching, three resolutions were hastily put to the House and carried by acclamation. The House then agreed to adjourn and the Speaker was released.—quoted in Sidney D. Bailey : *British Parliamentary Democracy* (1958) p.

in this place, but as the House doth direct me, whose servant I am"[1] These words define with simplicity the essential position and the role which the Speaker is expected to play as a servant of the House. Even after this historic incident, attempts of the Crown to interfere did not cease and King Charles II. came in clash with the Commons and he refused to confirm the election of Sir Edward Seymour in 1678 as Speaker of the House[2]. The Commons also in turn rejected the King's nominee and the King was compelled to have a compromise with the Commons on a third choice. The Commons had thus won a major victory over the King and it was established that the Speaker was not the creation of the Crown, and since then no King has ever refused to confirm the choice of a Speaker by the Commons.

III. **Speaker as a tool of the party:**

Although the Speakers were freed from the shackles of the King, yet they got entangled in another and came under the control of the party in power. "After ceasing to be a courtier, the Speaker came to be regarded as party Leader. The city of London thought it worthwhile to secure Speaker Trevor's support for a bill by a bribe of 1,000 guineas; and the aid of 18th Century Speakers was solicited by the more respectable method of deputation."[3] As a matter of fact, the Speakership was regarded as a stepping-stone to higher political officers in the State.[4] But Speaker Aurthur Onslow (1737—1761) set very high standards which even today are associated with the office. Indeed one can trace the development of modern Speakership from his days. He asserted his independence from the control of the Government and resigned the sinecure post of Treasurer of Navy (which had come to be regarded as a perquisite of the Speaker and contended himself with the proceeds of fees from private bills and the daily allowance of pounds 5 for each sitting day. Speaker Onslow was able to mould the office during his long tenure and set traditions of impartiality and strictly enforced the rules of debate so as to preserve the rights of minorities. Unfortunately, his successors could not adhere to his conception of the office and the speakership again became the nerve centre of party politics.[5] It may be interesting to recall that Speaker Addington moved from the chair to become the Prime Minister of England in 1801. Speaker Abbot (1802-17) and Speaker Manners Sutton (1817—34) were impartial and just when in chair, but both were staunch party adherents, publicly committed on the controversial issues of the day unwilling to detach themselves from active political life. They were inevitably suspected at times of favouring the interest of their own

[1]. Parliamentary History, Vo. II, Col. 1007-1011.

[2]. The King wanted his nominee Sir Thomas Meres in place of Sir Edward Seymour to be elected to the chair in order to save Danbey from impeachment.

[3]. Lord Campion & Others : *Parliament : A survey* : pp. 150-51.

[4]. Robert Harley, Speaker from 1701-1705, later became Secretary of State in 1706, Chancellor of Exchequer in 1710 and after elevation to the Peerage as Earl of Oxford, Lord High Treasurer in 1711 ; he was in fact even if not in name, Prime Minister, from 1710-1714. His five successors clearly regarded speakership as minor Govt. post which might lead to better things. Sidney D. Bailey : *British Parliamentary Democracy* :, (1958) p. 76.

[5]. According to Lord Campion, the increase of party bitterness after the accession of George III had the [illegible] Speaker [illegible] party men. Opposition to the re-election of the serving Speaker, which had lapsed for a hundred years was [illegible] in 1780 to get rid of a Speaker whom the king disliked : *Parliament—A survey* : pp. 151-52.

party. The dignity of the Speaker's office was thus exposed constantly to the danger of political involvement. In trying to effect a compromise between loyalty to the House and loyalty to their party, both Abbot and Manners Sutton were led into unfortunate situations, the former becoming the subject of a motion of censure and the latter finding himself ousted from office after serving nearly 18 years in the Chair.[1] In 1832 Speaker Manners Sutton was, however, offered the Premiership but he declined it. His very close contact with his party was the main reason that led to his defeat in the House in 1835. Speaker Abercromby came from the Cabinet to the Chair in 1835 and the practice of making political speeches in Committee and elsewhere was revived. However he resigned in 1839 as a result of his difference with the ruling party which brought him into office and he was the last of the partisan speakers.

IV. Speaker as Linchpin of Democracy

The modern tradition of Speakership began in 1839 when Mr Show-lefevre[2] assumed office as Speaker. "He was in fact, the first of the modern Speakers—non-partisan in mind, dignified in manners and convinced that to preside over the House of Commons was the highest honour that could fall to any man."[3] That is why after two years (i.e. after the general elections of 1841) he was unanimously re-elected as Speaker although the Malbourne administration which elected Shaw Lefevre to the chair had been overthrown at the polls. Prime Minister Robert Peel supporting his re-election (although there were many members who were in favour of deposing the Speaker in office in retaliation for the treatment meted out to Manners Sutton by their opponents) said, "I do not think it necessary that the person elected to the chair who has conscientiously and ably performed his duties should be displaced because his political opinions are not consonant to those of the majority of the House". Shaw Lefevre was again unanimously re-elected in 1847 and 1852, and retired in 1857.

The Speakers who succeeded Shaw Lefevre upheld and increased the prestige attaching to the office by successfully resisting all assaults upon its dignity, and perhaps the most notable example in this connection was the action taken by Speaker Brand in 1881 in applying the closure on his own responsibility to neutralise the deliberate obstructive tactics of the Irish Nationalists. He declared in the House that "the usual rules have proved powerless to ensure orderly and effective debate..... the dignity, the credit and the authority of this House are seriously threatened, and it is necessary that they should be vindicated"[4] He therefore, carried out the will of the House and declined to call upon any more members to speak, by putting the question to the vote of the House, as he was satisfied that there was a reasonable debate on the motion under consideration. His immediate successor Arthur Wellesly (1885—1895) was one of the most masterful Speakers that ever presided over the

[1] Philip Laundy : *The Office of the Speaker* : pp 288-89. See also Kenneth Mackenzie : *The English Parliament* : pp 124-27.

[2] Prime Minister Melbourne deliberately refrained from putting forward the name of Thomas Spring Rice for the office, because he was not acceptable to the opposition and instead chose Shaw Lefevre, thus acknowledging unanimity of choice as desirable. Vide Briers, P.M. & others : *Papers on Parliament—A Symposium* : p. 11.

[3] Michael Macdonagh : *The Speaker of the House* (1914) p. 309.

[4] Commons Journal Vol. 136 p. 80.

House of Commons. He dominated the Chamber with his stately presence, his austere features, his searching and inflexible glance, and his voice, in which there was something of the silver and arresting tone of the clarion. He never tolerated anything, which, in his opinion, derogated in the slightest degree from the authority and the dignity of his office[1]. Speaker W. C. Gully (1895—1905) did his best to enhance and uphold the dignity of the House and his office. However, one deploring incident took place on March 5, 1901 when he was compelled to call the police into the House to remove the Irish Nationalists who were named and suspended by the House for their wilfull disregard of the Chair.[2] The employment of the police for such a purpose was felt to be a degradation of the Parliament, as never before the police had been summoned for such a purpose. But he called in the police reluctantly as the Irish Nationalists refused to leave the Chamber and it was an affront to the authority of the Chair and the dignity of the House, and also because of the fact that the Speaker then had no powers to adjourn the House *suo motu* for grave disorder in the House. After this episode, the House immediately adopted new standing orders and conferred powers on the Speaker to deal with such situations effectively and now he can adjourn the House or suspend the sitting for a time to be named by him.[3]

Thus, it may be seen that all the Speakers since the times of Shaw Lefevre maintained a high standard of impartiality and abstained from saying anything that could cause the slightest suspicion of partisanship both inside and outside the House. The election and re-election of Speakers by voting on party-lines also ceased and the Speakers established the noble tradition of strict political neutrality by rigorously cutting off their party-contacts and even refrained from entering political clubs.

Today, the Speaker is completely independent and is not subject to the control of any outside authority. He discharges his duties impartially in upholding the dignity and authority of the House. The views of Speaker Clifton—Brown throw abundant light on the independence of the Speaker, "I am not the Government's man, nor the opposition's man. I am the House of Commons' man.[4] As a matter of fact, he is the first servant of the House and embodies in his own person the dignity of the nation's representative assembly[5]. The Speaker not only protects the rights and liberties of the House

[1]Michael Macdonagh : *The Speaker of the House*. p. 346.

[2]The House was in Committee of Supply and it was discussing a motion for vote on account of about £17 millions for civil and revenue departments. Until midnight, the Committee was debating an amendment against the policy of the Board of Education and after the division of this amendment Mr Arthur Balfour, Leader of the House, moved the closure on the vote. The application of the closure motion deprived the Irish members of the opportunity to debate and discuss about £2 millions relating to Ireland. As a protest they declined to leave their places and go into the Lobbies to vote in the division on the closure and the Chairman, thereupon called the Speaker who appealed to the refractory members in the interest of the House not to persist in their refusal to obey the Chair. The appeal had no effect and they were named by the Speaker. As the Nationalists declined to name tellers no division was taken on the motion and the Speaker declared it carried. See Michael Macdonagh : *The Speaker of the House*. p. 361-63. See also Philip Laundy : *The Office of Speaker* pp. 331-33.

[3]House of Commons Standing Orders No. 26.

[4]Parliamentary Debates : House of Commons (1948-49). Vol. 413 C 8.

[5]Philip Laundy : *The Office of Speaker*. p.

and its members but does his best to safeguard the rights of the minority. The principal of continuity of speakership has become a 'sacred principle' with the British people and no political party was used its majority to depose the Speaker for political reasons and this has enhanced the prestige of the office. Besides, the Speaker is given high salary in consonance with his status and authority. On retirement, he is given a fixed pension, and is matle a Peer and a title is also conferred on him in recognition of his services to the State.

We may, therefore, conclude by saying that there is a dire need of all these conventions to be adopted in our country and it is only by having such precedents and conventions (short of the amendment of the Constitution and rules of procedure) that the present constitutional crisis created by the rulings of certain Speakers in the States can be tackled and resolved smoothly.

The Speaker's position is unique and though he may not appear to exercise direct authority either in the administration of the country or in the foreign policy and relations of the country, he yet exercises indirectly and remotely an amount of influence on both.

—G. V. MAVALANKAR.

*PRESS AND NATIONAL SECURITY ('D' NOTICE SYSTEM IN THE U.K.)**

[Freedom of the Press is a common and cherished ideal in all democratic countries. Such freedom has, however, to be reconciled to the imperatives of national security. Sometimes, the press may acquire certain information on secret matters which, *prima facie*, may be of interest and importance to their readers; but publication of such information may be prejudicial to national security. The press has, therefore, to work under restrictions—voluntary and imposed. They are largely voluntary as a part of its patriotism but many restrictions are also imposed by legal sanctions. While the existence of legal sanctions does serve as a general restraining influence at the back of editorial life and there is always the possibility that they might be resorted to in the case of a gross breach of security, they do not on the other hand provide a working code of what should or should not be published on any particular subject. In the U.K. therefore a system called 'D' Notice System has been evolved to warn the editors that an item of news, which may not infringe the penal law, is regarded by the defence authorities as secret and may not be published.

The present article explains the 'D' Notice System followed in the U.K. and gives details of a recent interesting case having a bearing on this system when the relations between the British Government and the Press in that country were subjected to much strain following the publication by the *Daily Express* of an article, captioned, 'Cable Vetting Sensation' which the Government regarded as a serious breach of national security. The case raised issues of the greatest importance to the British national interest and was hotly debated in the British Parliament.

The case is particularly important from parliamentary and administrative point of view as an impartial enquiry was set in motion to investigate the statements made by the Prime Minister and others in the House of Commons which were considered unfair by the Secretary of the Services, Press and Broadcasting Committee under whose authority the 'D' notices were issued.—*Editor.*]

What is a 'D' Notice

A 'D' notice is a formal letter of request circulated confidentially to newspaper editors, editors of news in sound broadcasting and television stations, and to editors of some periodicals concerned with defence information in the United Kingdom. It is also issued to selected publishers concerned with biographies, and historical and technical subjects.

'D' notices are issued under the authority of the Services, Press and

*Prepared by the Reference Wing of Library, Reference & Information Service of Lok Sabha Secretariat.

Broadcasting Committee (U.K.) by its Secretary. The Committee is composed of representatives both from the Government as well as the Press. The Press representatives in the Committee are generally more than twice as numerous as the representatives drawn from the Government Departments. No one except the Committee can issue a 'D' notice and no one can require it to do so. The purpose of a 'D' notice is to request a ban on the publication of certain subjects, indicated in the notice, which have a bearing upon defence or national security. Sometimes these take the form of a simple requested suppression; sometimes they identify certain subjects as areas of danger for the purposes of security and suggest limits within which they can safely be treated[1].

A Notice has no legal force and can only be regarded as a letter of advice or request. It is advisory in that it gives an editor warning that an item of news, which may well be protected under the Official Secrets Acts, is regarded by the defence authorities as a secret of importance. It is of the nature of a request in that it informs editors that, whether or not any legal sanction would attached to the act of publication, publication is considered to be contrary to the national interest.[2] No penalty is attached to the non-observance of a request contained in a 'D' notice. A deliberate refusal to comply with a 'D' notice is, however, rare and nearly every breach has been attributable to inadvertance. The system has, on the whole, worked quite effectively ever since it was introduced.

A 'D' notice is not normally the product of an actual Committee meeting. Whenever a Government Department has reason enough to get a particular subject covered under 'D' notice, that Department initiates the proposal and the draft is discussed with the Secretary of the Committee who advises on such detailed points as to its presentation, form and contents, in line with the policies of the committee. The draft is then circulated amongst the members of the Committee for their comments and, if approved, it is issued by the Secretary in the name of the Committee as a whole. In cases of special urgency, however, the Secretary may even send out notice on his own responsibility, provided he secures the prior approval of not less than three of the Press members the Committee, who must meet together for this purpose. Drafts that cannot be agreed to or drafts that seem to contain some new principle of restriction require consideration at a further meeting of the Committee.

Sixteen 'D' notices are in force currently in the U.K. the last 'D' notice was issued in June 1964.

History of the 'D' Notice System

It was in the year 1912 that the Committee was set up in its original form. Named as the "Admiralty, War Office and Press Committee", it came into being a year after the coming into force of the Official Secrets Act, 1911. From the very beginning, it used to issue 'D' notices to the Press. Press members of the Committee were given confidential information in order to enable them to judge the necessity and contents of any 'D' Notice which they were asked to sponsor. The Secretary of the Committee was the manager of the Press Association news agency or, later, one of the officials. Following the outbreak of the Second World War in 1939, the Committee ceased to operate. A Press Censorship Department, organised at the Ministry of Information, provided the Press with an elaborate and continuous service of censorship required

[1] See Security Procedures in the Public Service (U.K.) Cmnd. 1681, April 1962, p. 35.

[2] *Ibid.*

by the war situation. 'D' Notices, agreed with representatives of the Press, were issued by this Department, supplemented on occasions by communications, styled "Private and Confidential Letters", issued by the Chief Press Censor on his own authority.[3]

In 1945 the Committee was reconstituted in its present form: there are four Government representatives, the permanent Heads of the War Office, Admiralty, Air Ministry and Ministry of Aviation, and eleven representatives of the Press, including representatives from broadcasting and television. The Chairmanship rotates between the three Service Departments.[4]

According to the formula agreed to in 1945 when the Committee was reconstituted, the range of subjects that can be covered by 'D' Notices has been described as "naval, military and air matters, the publication of which would be prejudicial to the national interests". The formula conforms to the original one adopted in 1912. The Press, in fact, do not insist on any rigid interpretation of the wording of this formula, so long as a clear case of national prejudice of "a military" nature can be made out. Thus Departments not directly represented on the Committee have on occasions resorted to the Committee with a request for the issue of a 'D' Notice.

The system which has worked quite effectively in the U.K. ever since its inception, with the exception of some cases of accidental non-observance, makes a valuable and effective contribution to protecting from disclosure "military" information which needs to be concealed and which it would be useful to other countries to possess. By its operation, the British Government succeeds, year in and year out, in keeping out of newspapers, radio and television a great deal of material which could not normally be kept out in any other way.[5]

The Official Secrets Acts are not considered effective instruments for controlling press publication of the kind of "military" information of some, if not great, individual importance which it is nevertheless most desirable to keep from hostile intelligence. Such an instrument is provided only by the 'D' Notice System and, in the absence of compulsory Press censorship or voluntary censorship supported by *ad hoc* Defence Regulation (the system that prevailed in the last war) there is no alternative to such a system which appears to suit the needs of both sides. It suits the official side, because it provides a centralised and quickly working means of communicating requests and warnings to the Press before the damage is done and under the authority of a Committee upon which Press representatives are in a majority. It suits the Press side because, without being mandatory, it enables an editor to know before publication that a news item is regarded by the Government as unfit for use without prejudice to the national interest.[6]

Position of the Secretary

The role of the Secretary of the Committee is of great importance. Since, the Committee meets very rarely, it falls to the Secretary to work the en-

[3] *Ibid*., pp. 34-36.

[4] *Ibid*., p. 36.

[5] *Ibid*., p. 36-37.

[6] *Ibid*.

tire 'D' Notice System. He is the servant of the Committee as a whole and his duties are wholetime. His work involves much more than the various procedures that lead to the issuing of a 'D' Notice. Since in most cases such notices will not be acceptable to the Press as a whole if they are intended merely as blanket stops on a particular subject, he has to provide in himself something like a continuous advisory service of voluntary censorship so as to pass, amend, or reject material that falls within the range of subjects embraced by a particular Notice. This is undoubtedly an exacting task arising at unpredictable hours and often demanding an exercise of rapid and experienced judgment on the part of the Secretary or in other cases urgent consultation with the experts in the Department directly concerned.[7]

'D' Notices can at times only be expressed as a general guide to editors on the treatment of some "sensitive" subjects. From time to time questions of real difficulty may arise as to the application of a particular notice to an unpredictable combination of circumstances. It is on such questions in particular that the Secretary is expected to advise. The Secretary has, however, no authority to give any rulings or judicial interpretations. The system is not institutionalised and it operates throughout as one of free cooperation. Although individual editors may differ from each other to some extent in their attitude on this matter, the Secretary's interpretations of the meaning and effect of the notices are regarded with great respect and would not be departed from by a particular newspaper until at any rate the matter had been fully discussed with him and a considered decision taken in the editorial chair.[8]

The 'Daily express' Case

The relations between the British Government and the Press in that country were subjected to much strain during the first half of 1967 following the publication by the *Daily Express* on the 21st February, 1967 of a story, captioned 'Cable Vetting Sensation" by its defence correspondent Mr. Chapman Pincher, which the Government regarded as a serious breach of national security. The story claimed that "thousands of private cables and telegrams sent out of Britain from the Post Office or from commercial cable companies were regularly being made available to the security authorities for scrutiny".

The story which appeared in the first London and other subsequent editions of the *Daily Express* of the 21st February, 1967, was also carried by the *Daily Mail* in their later editions after they had seen it in the *Daily Express*.

As soon as the story appeared in the *Daily Express*, the British Prime Minister, Mr. Harold Wilson, made a statement in the House of Commons the same day characterizing the *Daily Express* report as "a sensationalised and inaccurate story purporting to describe a situation in which in fact the powers and practice have not changed for well over forty years".[9] The confidence

[7] *Ibid.*

[8] See, Report of the Committee of Privy Counsellors appointed to inquire into 'D' Notice Matter, June 1967 (Cmnd. 3309) (hereinafter referred to as Radcliffe Report), p. 2-3.

[9] The practice, authorised in law by section 4 of the Official Secrets Act, 1920, involves a regular collection of copies of messages transmitted by the Post Office and other cable offices with a view to the total collected being sorted out and certain defined categories there of being set aside for inspection by the intelligence agents of the Government. It does not involve any stopping of cable transmission or any interference with the normal speed of their onward transmission.

and trust which were the basis of the whole system, the Prime Minister stated, had unfortunately been called into question by the action of the *Daily Express* in publishing such a story in "clear breach of two 'D' notices"[11] despite the fact that the newspaper concerned had been repeatedly warned that it would be contravening these notices.[12]

On February 22, 1967, the *Daily Express* carried an article by Mr. Chapman Pincher purporting to refute the statement made by the Prime Minister in the House the previous day. Mr. Pincher alleged that Col. Lohan, the Secretary of the Services, Press and Broadcasting Committee, had agreed with him on the afternoon of February 20, 1967 that neither of the two 'D' notices could reasonably be applied to the matter in question and that Col. Lohan had confirmed this after the Prime Minister's statement in the House on February 21, 1967. The *Daily Express* also came out with a leading article on this issue the same day.[13]

Mr. Harold Wilson promptly requested the Chairman of the Committee, Mr. James Dunnett, to go into the issue and obtain an explanation from Col. Lohan as to the allegations made by Mr. Chapman Pincher. In a further statement in the House of Commons on February 23, 1967, Mr. Wilson repeated in unequivocal terms that the story in question did cause a breach of the long standing 'D' notice convention and that this had been made clear to all concerned.[14]

Appointment of the Radcliffe Committee

On February 28, 1967, the Prime Minister informed the House of Commons that he had appointed a Committee of three Privy Counsellors under the Chairmanship of Lord Radcliffe[15] to examine the circumstances surrounding the publication of the article "Cable Vetting Sensation" in the *Daily Express* of February 21, 1967, in relation to the 'D' Notice system. The Committee was also asked to consider what improvements, if any, were required in the system in order "to maintain it as a voluntary system based on mutual trust and confidence between the Government and the Press in the interests alike of the freedom of the Press and of the security of the State".

The Prime Minister took this opportunity to emphasize that throughout the operation of the 'D' notice system under successive Governments, there had never been any question, to his knowledge, of any Government using the 'D' notice system except when

[11]Reference is to 'D' Notices dated April 27, 1956 and October 30, 1961. The relevant parts of them which bear on the present issue are as under :

D Notice-27-4-56

No reference to be made to the following in the national interest :

"Secret intelligence or counter intelligence methods and activities in or outside the United Kingdom."

D Notice—30-10-61

No reference to be made to the following in the national interest :

"The various methods used in the interception of foreign communications for secret intelligence purposes.

[12]*See* H.C. Deb., February 21, 1967, cc. 1432-33.

[13]*See* Radcliffe Report, *op. cit.*; p. 19.

[14]H.C. Deb.; 23-2-1967 c. 1975.

[15]The other members of the Committee were Mr. Emanuel Shinwell and Mr. Selwyn Lloyd.

security was involved and a serious issue of security was raised. Whether that was the position in the present case, it was for the Committee to advise the House, the Prime Minister added.[16]

Findings of the Radcliffe Committee

After having taken detailed evidence from various persons involved in the *Daily Express* episode at various stages, the Radcliffe Committee presented its 290 page report on June 13, 1967. The Report outlined the various events[16] which led to the publication of the controversial story in the *Daily Express* on February 21, 1967. Some of the important facts brought out by the Report are as under:

(i) The Foreign Office and security authorities viewed with great concern the possibility of the story appearing in the public press and asked the Secretary of the Services, Press and Broadcasting Committee (Col. Lohan) to take immediate steps to get the story withheld.

(ii) A meeting arranged at the Foreign Office which was attended by representatives of the Government Departments concerned and the security authorities but not by Col. Lohan (who was not invited) was of the view that the story touched upon secret intelligence operations and that as such it came within the restrictions requested by 'D' notices.

(iii) From the very beginning there was a divergence in approach to the question from the side of Col. Lohan as well as from the official side. While Col. Lohan had doubts about the story falling under the particular 'D' notices, the official side supposed that the necessary action depended upon a simple appeal to 'D' notices, marked by a prudent reticence as to what it was all about. Col. Lohan was convinced that deployment of persuasive powers alone could help him to succeed, if at all, in the task of getting the story suppressed.

(iv) The *Daily Express* did not fulfil the understanding between its correspondent, Mr. Chapman Pincher and Col. Lohan to give advance warning to the autnorities of any decision to publish the story. Col. Lohan was misled into thinking that there would be a further opportunity to approach the Editor of the *Daily Express* before a decision to publish was carried out. By the time Mr. Chapman Pincher told Col. Lohan that the story was to be used in the Glasgow edition of the *Daily Express* all the necessary arrangements in fact had already been made for running the story in the first London edition.

The Radcliffe Committee Report pointed out that no new practice had been introduced in recent years in the procedure for the interception of telegrams which departed from the practices being previously observed[17]. The Report also pointed out that the 'D' notice system in the U.K., as set out in the White Paper "Security Procedures in the Public Service", presented to Parliament in April, 1962[18] is recog-

[16]H.C. Deb., 28-2-1967, cc. 274-78.

[16]*See* Radcliffe Report, *op. cit.* pp. 7-20.

[17]*Ibid* p. 26.

[18]Cmnd. 1681, *op. cit.*,

nised as having continued unchanged to the present day, subject to one or two minor alterations, and has operated efficiently over a long period of years[19]. The present instance arose mainly out of a series of avoidable misunderstandings and the failure of the *Daily Express* to inform the Secretary of its final decision to publish until it was too late for any effective further steps to be taken.

Regarding the controversial story, the Committee was of the view that the *Daily Express* article "Cable Vetting Sensation" was not inaccurate in any sense that could expose it to hostile criticism on that score, and it did not amount to a breach of any of the 'D' Notices. The Committee found no evidence to indicate that the editorial decision to publish the article was taken with a deliberate intention of evading or defying 'D' notice procedure or conventions. It was the Committee's view that no one but the editor involved can ultimately decide whether he is going to treat a particular news item or article as being covered by a 'D' notice. There is no convention under the system that requires the editor to treat interventions on the point, from however eminent a source, as bringing something under a 'D' notice which he judges to be outside it. According to the Committee, the *Daily Express* Editor Mr Marks thought in this particular case, that whatever the wider public issues might be, he had sound reasons for saying that those who were familiar with and operated the 'D' notice system had conceded that this story was not affected by any notice. The Committee thought that neither the Secretary of the Services, Press and Broadcasting Committee nor any one else had any authority to give a binding interpretation to an editor or to require him to hold up material until an appeal reference had been made to some agreed authority[20].

On the role of Col. Lohan in the episode, the Committee concluded that he himself had very little confidence in the applicability of 'D' notices in the present case and the Committee thought it unsatisfactory that the Secretary of the Services Press and Broadcasting Committee should be the Government spokesman on questions that lay outside 'D' notices and turned on the general national interest. It recommended that the Secretary must be properly informed as to the facts that lay behind any 'D' notice request. In this context it is of interest to note that the Committee did not approve of Col. Lohan having been kept away from the Foreign Office meeting. The Committee felt that if he was going to be relied upon as the instrument to set in motion the 'D' notice system for the banning of this story, he ought to have been present at this critical discussion and given an opportunity to hear what passed between those concerned on the Government side. If Col. Lohan had been present at this meeting, the Committee thought the persons on the Government side might have learnt from him about the doubts which he entertained from the beginning as to the likelihood of persuading the newspapers concerned that the two 'D' notices in question ought to be interpreted as applying to the case[21].

The Committee did not recommend any major alterations in the 'D' notice system. They, however, made some suggestions regarding the organisa-

[19] Radcliffe Report op. cit., p. 7.

[20] *Ibid.*, pp. 5, 18-20.

[21] *Ibid.*, pp. 8, 20-23.

tional set-up in order to improve the system and make it more effective. It also recommended that the Secretary of the Services, Press and Broadcasting Committee should make it his practice to report at once for instructions to his Chairman if he found himself in unresolved dispute with a newspaper, protesting against a proposed publication, on grounds of security interest to which current 'D' notices had no apparent application[23].

The Government White Paper

Simultaneously with the release of the Radcliffe Report to the Press[23], the British Government published a White Paper[24] giving its reactions to the conclusions reached in the Radcliffe Report and also setting out its attitude on the various recommendations made by the Committee.

While the White Paper accepted the Committee's recommendations in regard to the operation of the 'D' notice system, especially as they affected the composition of the Services, Press and Broadcasting Committee and the functions of the Secretary, it clashed with the Radcliffe Report over the accuracy of the *Daily Express* article and about whether it contravened the 'D' notice system[25]. According to the Government's view, the article was inaccurate in matters of fact and misleading in its treatment of the story. The article intended to convey, and succeeded in conveying, the impression that the Government were responsible for introducing new invasions on privacy or for distorting existing procedures to this end—imputations which were in no way borne out by the facts. The Government also remained of the view that the article was one, which did fall within the ambit of the 'D' notices[26].

The White Paper considered it unfortunate that the Secretary of the Services, Press and Broadcasting Committee did not try hard enough to stop publication by the *Daily Express* of the story in question and accused him of not having given an earlier opportunity to the Chairman of the Committee to consider what steps should be taken in a matter of such a great importance[27].

To the observation of the Radcliffe Committee that the Secretary should have attended the meeting in the Foreign Office on the 17th February, 1967, the White Paper said that "the Foreign Office were precluded from inviting the Secretary to this meeting because the matters to be discussed were of the most secret nature and only those officials who had gone through the appropriate security procedures could properly attend[28].

Though the editorial decision to put out the article was not taken with a deliberate intention of evading or defying 'D' notice procedure or conven-

[23] *Ibid.*, pp. 26-27.

[24] The Report had an Annex, dealing with certain secret aspects of the Committee's inquiry, which as recommended by the Committee itself had not been published. But in accordance with the normal custom of the Government in these matters, the Annex was made available, together with the Report before it was published, to the Leader of the Opposition. *See* H.C. Deb., June 13, 1967, C. 310.

[25] The 'D' Notice System (U.K.) June, 1967, Cmnd. 3312.

[26] *Ibid.*, pp. 3 & 4.

[27] *Ibid.*, pp. 8-9 and 11.

[28] *Ibid.*, pp. 5-6.

[29] *Ibid.*, p. 6.

tions, the White Paper regretted that the editor was never informed correctly, suggesting not so much a defect in the system as a failure on both sides to operate it properly. Moreover, the White Paper maintained that in cases where 'D' notices did not apply but it was still considered necessary that an item should not be published in the public interest, the editor in matters bearing on national security, since he would seldom be in full possession of the facts, would be wise to take official advice, although it would be no breach of a 'D' notice procedure or conventions if he were to decide to the contrary.[29]

The incumbent to the post of Secretary of the Services, Press and Broadcasting Committee had not in the past been subjected to the appropriate security procedures. The Government, according to the White Paper, were now satisfied that primarily there should be no impediment of any kind which might prevent the Secretary from having access to full information on any matters relating to 'D' notices and the Secretary would henceforward be required to go through these procedures so that he could properly be informed of secret material of the most sensitive nature[30]

Debate in the Commons

Initiating a debate in the House of Commons on the 22nd June, 1967 on the Radcliffe Report and seeking approval of the Government White Paper thereon, the Attorney-General, Sir Elwyn Jones said[31] that the majority of the recommendations had been accepted by the Government, which *inter alia* included: recommendations relating, in particular, to the reconstitution of the Services, Press and Broadcasting Committee; the need to improve the 'D' Notice System; the withholding from public of 'D' Notices themselves; and the desirability of re-writing them in order to clarify their applications.

Differing with the Committee's conclusion that the article was "not inaccurate in any sense that could expose it to hostile criticism on that score", the Attorney-General said that, for their part, the Government took the view that "the sensational treatment of the article and its inaccuracy of detail did combine to create, and were intended to create a grossly false impression". The clear implication of the article was that no individual, no private firm and no organisation was safe from intrusive and unjustifiable prying by an irresponsible and autocratic Government, and that was not based on facts[32].

The debate that followed revealed many important points regarding conduct of Col. Lohan as Secretary of the Services, Press and Broadcasting Committee. According to Mr. Anthony Barber M.P., it was "quite wrong for the Prime Minister or the Foreign Secretary to blame the officials because, the responsibility is theirs".[33] Mr. Emanuel Shinwell, a member of the Radcliffe Committee, said "Col. Lohan was not entirely to blame, because the Foreign Office Officials in their confabulations, would not have him on the premises, when they decid-

[29] *Ibid.*, p. 11.
[30] *Ibid.*, p. 14.
[31] *See* H.C. Deb., 22-6-1967, c. 1972.
[32] *Ibid.*, c. 1975.
[33] *Ibid.* cc. 2000-2001.

ed to instruct him".[34] Mr. Selwyn Lloyd, another member of the Radcliffe Committee, emphasised that the Secretary of the Committee was the servant of the Committee as a whole, and not the servant of the Government. In his opinion, the trouble arose from the fact that some officials thought that "they could summon up Col. Lohan and tell him to go and give orders to the Press that such and such a thing was covered by a 'D' Notice.[35] Mr. W. F. Deedes, a member from Ashford, Col. Lohan's constituency, said that Col. Lohan was "being saddled in an atmosphere of disagreeable and disgraceful disperagement". He called it a sorry business when senior Ministers, defending their own mismanagement, allow the good name of an official to be sacrificed in this way." Mr. Edward Heath, the Leader of the Opposition, was sad because some of the things that were said in the House that day had been neither fair nor judicious. They had been said "against individuals who have no opportunity of answering back". He warned the Prime Minister that the charges made by him were serious and they as a result of the impartial Radcliffe Committee, were not proved.[37]

The Prime Minister, Mr. Wilson, said "that it was because of the situation revealed by the Radcliffe Report and because the acceptance of all the conclusions in the Report unamended would lead to a progressive erosion of the security surrounding these activities that we did not take the easy line of accepting the Report". Even if the Secretary Col. Lohan had been fully apprised of every detail which in his case would not have been possible— it would have been much harder even if he knew all the background to explain to any journalist, with a story of this kind, why the 'D' Notice applied. Elaborating as to why the Secretary in the present case could not be apprised of all the facts, Mr. Wilson said that if the Secretary could have been told every thing it would have meant his going through not only the machinery of normal positive vetting, but also through the much more advanced security measures appropriate to this activity.[38]

Mr. Wilson charged Col. Lohan for not having acted in time to prevent the publication of the story in the *Daily Express*. He attributed the failure of the 'D' Notice machine to the fact of "long, close and continuing relationship between the journalist in question (Chapman Pincher) and the Secretary of the Committee, (Col. Lohan)". In this context, he asked the House to consider why the *Daily Mail*, which had the story first, was prevailed upon by a single appeal, virtually unsupported by argument, not to run the story, while the *Daily Express* ran it. The answer lay partly in the nature of the different approach made to the two papers. If an appeal had been made to the editor of the *Daily Express* formally and with authority as it was done in the case of the *Daily Mail* and "not over a lunch table, he would have similarly complied with it[39].

Defending the Government's White Paper, the Prime Minister said that it set out some of the salient things which went wrong and did not in any sense attempt to contradict the findings of the Radcliffe Report. It would, on the other hand, serve more as a guide to the imporvements that would be

[34] *Ibid.*, c. 2005.
[35] *Ibid.*, c. 2009.
[36] *Ibid.*, cc. 2030-2040.
[37] *Ibid.*, cc. 2067-68 and 2073.
[38] *Ibid.*, cc. 2080-84.
[39] *Ibid.*, cc. 2085-88.

needed on the Government side in operating the system[40].

The question of the relationship between Col. Lohan and Mr. Chapman Pincher was a matter of concern in the lifetime of the previous Government also, Mr. Harold Wilson added. Early in 1964, preliminary consideration was given to the general suitability of Col. Lohan for the post of Secretary which he was holding. This led to a decision, in the autumn of 1964, to make specific inquiries, one of a number of questions for examination being his over-close association with journalists, especially with Mr. Chapman Pincher. This particular anxiety not having been wholly allayed, it was still decided taking everything into account, to allow Col. Lohan to continue in his post which was not then a "PV" (Postitive Vetting) post. At no stage had Col. Lohan been given any positive vetting. He was, however, informed of the Government's anxiety but no charges were made against him, said the Prime Minister[41].

Col. Lohan's Resignation

Col. Lohan said in a statement on June 9, 1967 that he had decided to resign as Secretary of the Services, Press Broadcasting Committee because he considered that his impartiality as a "middle-man" between the press and the Government had been compromised. By having him interrogated by civil servants, the Government, he said, had destroyed the independence from official pressure which he believed a man in his position must have. From now onwards, he felt his position was untenable. He further explained:

> "The whole basis of the operation of the Services, Press and Broadcasting Committee is its independence, and the fact that I owe allegiance to both sides without favouring one or the other and am not subject to pressures from either side."[42]

Col. Lohan added that he did not know exactly why his conduct was called into question before civil servants, when no allegation was made against him. He gave evidence to the Committee of Privy Counsellors about events leading up to the publication in the *Daily Express* of the controversial article. As was his practice in such cases, he tried to persuade the *Daily Express* to observe the spirit of the 'D' Notice System, even if the relevant 'D' Notices did not plainly mention those facts which they wished to publish. The Notices in question, which, according to the Prime Minister's statement in the House of Commons, had been "clearly breached", had since been redrafted to make them more explicit, Col. Lohan stated[43].

The same day, the Ministry of Defence denied in a statement that Col. Lohan had been summoned before any disciplinary committee, as alleged in Press reports. The statement said:

> "In accordance with normal practice, however, inquiries have been made of various persons who were concerned in an official capacity with the events and circumstances leading up to the Radcliffe inquiry, and naturally Col. Lohan was one of the people from whom such inquiries were made."[44]

Commenting on the Ministry's statement, Col. Lohan said:

> "I was interrogated by three senior civil servants and I

[40] *Ibid.*, c. 2085.
[41] *Ibid.*, c. 2090.
[42] *The Times*, London; 10-6-1967, p. 2.
[43] *Ibid.*
[44] *Ibid.*

understood that it was a disciplinary committee. I was told that I was entitled to have a friend present if I wanted to. If it was not a disciplinary Committee, why was I told that?"[46]

Col. Lohan's resignation as Secretary of Services, Press and Broadcasting Committee was formally accepted by the Committee on June, 26, 1967. His resignation as a civil servant took effect from July 31, 1967.

Appointment of Civil Service Tribunal

On June 27, 1967, in the House of Commons a number of searching questions were put to the Prime Minister by the Leader of the Opposition regarding the "PV" (Positive Vetting) and Col. Lohan. The Prime Minister did not consider it in the public interest to answer those questions on the floor of the House. He invited the Leader of the Opposition to go through appropriate papers on the subject. The Leader of the Opposition, Mr. Heath, however, insisted that he must be free to discuss the question raised with the civil servants involved. He further insisted on his right to consult Sir Alec Douglas-Home, who was Prime Minister at an assential time, on the contents of the documents[47]. The relevant documents were, therefore, made available to Mr. Heath and Sir Alec Douglas-Home who after going through these documents arrived at the following conclusions which were conveyed to the Prime Minister by Mr. Heath through a letter on July 5, 1967:

(i) The documents did not in any way invalidate the conclusions in the Radcliffe report;

(ii) The documents did not lead them to believe that Col. Lohan was unreliable from the security point of view;

(iii) They were in no position to form a judgment upon any criticisms of a non-security nature implicit in the remarks of the Prime Minister in the House of Commons, as they did not have access to the personal papers relevant to Col. Lohan[48].

Mr. Heath further stated in his letter to the Prime Minister that they were convinced that in fairness to Col. Lohan the most appropriate impartial procedure should be initiated to enable him, if he so wished, to deal with the criticisms which were made by the Prime Minister and others in the House of Commons. The Prime Minister replied the same day (July 5, 1967) to Mr. Heath that he was setting in motion the appropriate impartial procedure to enable Col. Lohan, if he so wished, to deal with the Government statements which he considered unfair[49].

On July 5, 1967, itself, the Prime Minister instructed Sir Laurence Helsby, Head of the Home Civil Service to devise a procedure whereby senior civil servants could conduct an impartial inquiry into Government statements about Col. Lohan's suitability for the post of Secretary to the 'D' Notice Committee. In terms of the Prime Minister's instructions, Sir Launerce enquired of Col. Lohan if he wished to have an inquiry into statements which he considered unfair[50].

[46] *Ibid.*, 27-6-1967.

[47] See H.C. Deb., 27-6-1967, cc. 259-73 and *The Times*, June 28, 1967.

[48] See *The Times*, July, 6 1967. Mr. Heath and Sir Alec Douglas-Home were informed of the convention that Ministers did not have access to the personal files concerning individual civil servants.

[49] *The Times*, July 6, 1967.

[50] *Ibid.*

Col. Lohan asked in particular for a hearing on the accusation made by the Prime Minister in the Commons on June 22, 1967 that the relationship between himself and Mr. Chapman Pincher was a matter of concern in the lifetime of the Conservative Government and that consideration was then given to whether he was suitable for his post. A top level Civil Service Tribunal consisting of Sir Laurence Helsby, Head of the Home Civil Service, Sir Harvey Druitt, Treasury Solicitor, and Sir James Dunnett, Permanent Under Secretary of State, Ministry of Defence, was accordingly constituted to carry out the investigation[50].

Findings of the Civil Service Tribunal

The Civil Service Tribunal carefully examined all matters put before them by Col. Lohan and by Mr. Mc Call, general Secretary of the Institution of Professional Civil Servants, who represented him throughout the proceedings. They also made such investigation as seemed to them necessary to elucidate the questions under review. The main findings of the Committee were as under[51]:

1. The 'D' notice system worked well until the cable vetting incident occurred. As the central figure in the working of the system, credit should be given to Colonel Lohan for his considerable contribution to its success during the five years that he acted as Secretary.

2. The post of Secretary had not hitherto been considered to require positive vetting clearance. Colonel Lohan was given clearance under a shortened form of positive vetting during his Army Service: but more stringent rules had been applied since the report of the Radcliffe Committee on Security procedures in 1962 and he had not subsequently needed nor had he received clearance under current procedure.

The Government's statement that Col. Lohan had not been given full clearance was made necessary by his own public statement to the contrary. But there was never any doubt of Col. Lohan's Loyalty to his country.

3. Col. Lohan was neither careless nor incompetent in his handling of the cable-vetting incident and he was handicapped by certain inadequacies in the operation of the 'D' notice system on that occasion for which he was not responsible. It was however clear that he made several errors of judgment.

4. On occasions, Col Lohan had shown lack of a proper sense of what was required of a responsible civil servant even if employed in an unusual job, which entailed working for the Press as well as the Government. No evidence was however found as regards leakage of classified information to Mr. Chapman Pincher or other journalists that Col. Lohan had ever been the source of the substances of a story.

[50] *The Times*, August 8, 1967.
[51] *Ibid.*

On the other hand, Col. Lohan's long association with Mr. Chapman Pincher had been allowed to develop in a way that adversely affected his ability to discharge in the cable-vetting incident the exceptional weight of responsibility that fell on him.

There can be no question whatever that Ministers are responsible for everything that their officers do, but if civil servants make errors or commit failures, the House has a right to be assured that the Minister has dealt with the errors or failures adequately and properly, or that he will do so. That is a duty that falls on Ministers as well, and it would be wrong for a Minister automatically to defend every act of his officers or servants merely because they belong to his Department. Therefore, the House has to be satisfied that he is dealing with the matter adequately.

—HERBERT MORRISON.

Short Notes

PARLIAMENTARY EVENTS AND ACTIVITIES

Fifty-Sixth Inter-Parliamentary Conference

The fifty-sixth Inter-Parliamentary Conference was held in Lima (Peru) in September, 1968. The delegation to the Conference from India composed of:—

Dr. N. Sanjiva Reddy, Speaker, Lok Sabha—Leader.

Shri Rajendranath Barua, M.P.

Shri Surendranath Dwivedy, M.P.

Shri Kota Punnaiah, M.P.

Shri S. L. Shakdher, Secretary, Lok Sabha.

The following subjects were discussed at the Conference:—

1. Concrete Measures for ensuring, in particular at the Parliamentary Level, the implementation of the United Nations Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty.

2. Parliament's Role in the Elaboration and Control of National Science Policy.

3. Colonialism, Neo-Colonialism and New Forms of Racial, Religious, Political and Economic Discrimination.

4. Methods of providing Aid to Developing Countries through Stable Prices for Exported Products, Development of Primary Industries and Effective Financial Assistance.

During the Conference period, meetings of the Inter-Parliamentary Council, Standing Study Committees and Executive Committee of the Inter-Parliamentary Union were also held.

Dr. N. Sanjive Reddy, Speaker, Lok Sabha and President of the India Group of the Inter-Parliamentary Union was elected as a member of the Executive Committee of the Inter-Parliamentary Union.

The Association of Secretaries-General of Parliament also met in Lima during this period.

Fourteenth Commonwealth Parliamentary Conference

The Fourteenth Commonwealth Parliamentary Conference was held in Nassau (Bahamas) in October-November, 1968. The Indian delegation to the Conference was led by Dr. N. Sanjiva Reddy, Speaker, Lok Sabha. The other members of the delegation were:

Smt. Violet Alva, Deputy Chairman, Rajya Sabha, Shri K. Ambazhagan, M.P., Shri Lokanath Misra, M.P., Shri K. N. Tewari, M.P. and Shri S. L. Shakdher, Secretary, Lok Sabha who

acted as the Secretary to the Delegation.

Shri T. S. Bharde, Speaker, Maharashtra Legislative Assembly, Shri R. Soundararaja Moopanar, M.L.A., Madras, Lt. Col. Joginder Singh Mann, Speaker, Punjab Legislative Assembly, Shri S. Sivappa, M.L.A., Mysore, Shri Niranjan Nath Acharya, Speaker, Rajasthan Legislative Assembly, Shri R. T. Leuva, Speaker, Gujarat Legislative Assembly, Shri B. V. Subba Reddy, Speaker, Andhra Pradesh Legislative Assembly also attended the Conference as delegates of their respective State Branches of the Commonwealth Parliamentary Association. Shri T. Hanumanthappa, Secretary, Mysore Legislature attended the Conference as Secretary from State Branches.

The following subjects were discussed at the Conference:—

(1) World Security

(2) Aid—How Effective?

(3) Parliamentary Government-Where is it heading?

(4) Problems of Economic Growth

(5) Racial Harmony or Conflict: Which Way for Mankind?

Pre-Conference tours for about 4 days had been arranged by the Bahamas Branch of the Commonwealth Parliamentary Association.

Indian Delegation Abroad

Visit to U.S.S.R. and Hungary

In pursuance of an invitation received from the U. S. S. R. and Hungary an Indian Parliamentary Delegation led by Dr. N. Sanjiva Reddy, Speaker, Lok Sabha, visited U.S.S.R. and Hungary in June-July, 1968. Other members of the delegation were:—

Shri B. Anjanappa, M.P.

Shri H. N. Mukerjee, M.P.

Shri Rabi Ray, M.P.

Shri S. Supaker, M.P.

Shri D. Thengari, M.P.

Shri Sheel Bhadra Yajee, M.P.

Shri B. N. Banerjee, Secretary, Rajya Sabha.

Conference of Presiding Officers of Legislative Bodies in India, Trivandrum, 1968.

The Thirtyfourth Conference of Presiding Officers of Legislative Bodies in India was held in Trivandrum on the 5th and 6th October, 1968. Dr. N. Sanjiva Reddy, Speaker of Lok Sabha presided. Almost all the Presiding Officers of Legislative Bodies in India, as also the Deputy Speaker of Lok Sabha attended the Conference.

At the outset Shri D. Damodaran Potti, Speaker of the Kerala Legislative Assembly delivered the welcome address. Thereafter the Chairman of the Conference Dr. N. Sanjiva Reddy delivered his address wherein he discussed at length the Report of the Committee of Presiding Officers and made an analysis of the judgment of the Supreme Court relating to the Punjab Appropriation Acts, etc. which had bearings on the powers of the Legislatures and their Presiding Officers.*

The Conference discussed the following items on its agenda:

1. Consideration of the Report of the Committee of Presiding Officers [Con. No. 201].

*For text of the Chairman's Address, *see* under "Addresses and Speeches", pp. 109—124.

2. Discussion on the implications of the judgment dated 30th July, 1968 of the Supreme Court relating to the Punjab Appropriation Act, etc., in so far as the Presiding Officer and Legislatures are concerned.

3. Consideration of the Draft Rules prepared by the Lok Sabha Secretariat in pursuance of the decisions taken at the emergent Conference of Presiding Officers held in New Delhi in April, 1968.

PRIVILEGE ISSUES

Disorderly conduct by members at the time of President's Address to both Houses of Parliament assembled together

In Lok Sabha

Two members of Lok Sabha interrupted the President at the time of his Address to both Houses of Parliament on the 12th February, 1968. The interruption was followed by a walk out by about seventy or eighty members belonging to both the Houses.

Subsequently on the 20th February, 1968, a member moved the following motion in the Lok Sabha:

> "That this House strongly disapproves of the conduct of Sarvashri Maulana Ishaq Samabhali and H. N. Mukerjee who created obstruction and showed disrespect to the President at the time of his Address to both the Houses of Parliament assembled together under Article 87 of the Constitution on the 12th February, 1968 and reprimands them for their undesirable, undignified and unbecoming behaviour."

A point of order was raised that there was no rule under which such a motion could be moved and the motion was, therefore, not admissible and should not be allowed to be discussed. The Speaker (Dr. N. Sanjiva Reddy), however, ruled out the point of order and observed that the motion was admissible. It was argued on a point of order by another member that the factual basis of the motion that Shri H. N. Mukerjee had showed disrespect to the President was incorrect and that there was no record of the proceedings of the joint sitting of the two Houses of Parliament when the incident took place. He further stated that even if the facts stated in the motion were correct, it was a matter involving a breach of privilege and contempt of the House and the motion was, therefore, barred under Rule 186 (v)* of the Rules of Procedure of Lok Sabha. The Deputy Speaker (Shri R. K. Khadilkar), who was then in the Chair, however, ruled out the points of order and observed that it was not a matter involving a breach of privilege or contempt of the House but was one of conduct of members and maintaining decorum and dignity by the members.

During the discussion of the motion, one of the two concerned members who was present in the House on the 20th February, 1968, explained his position. As the other member was not present in the House on that day, the House postponed further consideration of the matter to a subsequent sitting, to en-

*Rule 186 (V) of the Rules of Procedure of Lok Sabha provides :

Rule 186 : In order that a motion may be admissible, it shall satisfy the following conditions, namely :

• • •

(v) it shall not raise a question of privilege;

able him to explain his conduct to the House. On the 28th February, 1968, the member made a statement explaining his conduct. Thereafter the House adopted the motion strongly disapproving the conduct of both the Members and reprimanding them for creating obstructions and showing disrespect to the President at the time of his Address.*

Describing a member as a 'liar' in respect of a certain statement made by him in the House in a letter addressed to Speaker and copies circulated to members and others by a citizen

In Lok Sabha

On February 15, 1968, a member raised a question of privilege in the House against one person of Bombay, for writing a letter to the Speaker, Lok Sabha, and circulating copies thereof to members and others, in which the member had been described a 'liar' in respect of an allegation made against the person by the member in a statement on the floor of the House on November 27, 1968. The statement was made by the member during half-an-hour discussion on the activities of the Shiv Sena in Bombay.

While raising the question of privilege, the member contended that the simple purpose of circulating the letter accusing him as liar was to degrade him, to malign him and to wreak vengeance on him for his particular conduct on the floor of the House. He added that the purpose was to prevent him in future from exposing any links of any person in the country with any foreign intelligence agency and particularly of the person in question.

The Minister of Parliamentary Affairs opposed leave being granted to the member to raise the question of privilege. The member was, however, asked to move the motion as more than twenty five members were in favour of leave being granted.

The member thereupon moved that the matter be referred to the Committee of Privileges.

During the discussion which ensued, several persons spoke for and against the motion. It was contended by a member that there should be some procedure to enable outside people, against whom allegations were made on the floor of the House, to vindicate and defend themselves. Another member pointed out that under Rule 353*** of the Rules of Procedure of Lok Sabha, it was specifically laid down that a member should not make any defamatory statement against any person. He contended that the member by making a defamatory statement in the House, in violation of Rule 353, had no right to claim privilege under the rules of the House.

Another member pointed out that this case had arisen out of a conflict between the rights and privileges of a Member of Parliament and the rights of a citizen. In order to reconcile the two, it was necessary that the matter

*For a detailed version of the case please *see* "Privileges Digest" (April, 1968)—Lok Sabha Secretariat pp. 7-11.

***Rule 353 of the Rules of Procedure of Lok Sabha is as under :

No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given previous intimation to the Speaker and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply :

Provided that the Speaker may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

be referred to the Committee of Privileges for consideration.

After the discussion, the motion for referring the matter to the Committee of Privileges was put to the vote of the House and negatived.

Alleged misleading of the House by a Minister

In Lok Sabha

On the 25th March, 1968, a member sought to raise[1] a question of privilege in the House against the Minister of State in the Ministry of Home Affairs (Shri V. C. Shukla) on the ground that Shri V. C. Shukla had deliberately mislead the House on the 22nd March, 1968 by repeatedly and categorically stating that the consultative Committee to be set up under clause 3 of the West Bengal State Legislature (Delegation of Powers) Bill would not involve any expenditure from the Consolidated Fund of India and that, therefore, no Financial Memorandum was required to be circulated with the Bill in terms of Rule 69 of the Rules of Procedure and Conduct of Business in Lok Sabha. The member pointed out that subsequently, however, Shri V. C. Shukla had circulated the required Financial Memorandum stating that approximately a sum of Rupees ninety-six thousand would be spent from the Consolidated Fund of India. He contended that there was a clear case of breach of the privileges of the House and the matter should be referred to the Committee of Privileges.

The Minister of State in the Ministry of Home Affairs (Shri V. C. Shukla) explained:

> ".... when I said that there would be no expenditure, it was my view and it was the Government's view that there was no expenditure involved from the Consolidated Fund of India in terms of Art. 117(3) of the Constitution. Sir, this was the position that we adopted and this was the position that was accepted in 1960. This matter was raised in 1960. It was extensively examined by the Rajya Sabha Secretariat, by the Lok Sabha Secretariat and by the Ministry of Law and it was held that the expenditure for such committees has to come from the Lok Sabha Secretariat expenses and since then we have brought forward many such Bills and no financial memorandum was included on the presumption which was based on the decision taken in 1960.
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> • • •
>
> There was no dispute about the expenditure. We were only debating whether it would be so in terms of Art. 117(3) of the Constitution or not. Since we had this information of the decision taken in 1960 I had stated so before the House. Afterwards you were pleased to rule that a financial memorandum should be circulated. So, in accordance with your direction we put it. That is all about this."

The Deputy Speaker (Shri R. K. Khadilkar), who was in the Chair, thereupon, rule as follows:—

> "It would have been far better to have the matter thoroughly examined before making a statement, because nobody can be certain about past practices,

[1] L.S. Deb. 26-3-1968, cc. 3005—3014

We have to examine it with a view to observing current procedure. That is more important. Even if in the past, there was certain irregularity, it is not that on that basis, quoting that precedent, we could go ahead. In future, this should be borne in mind. I personally feel everybody would agree that there was no intention to mislead, but the manner in which it was said and the approach to the problem ought to have been a little different. It should not be stretched too far."

The matter was then closed.

Alleged misleading statement made by a Minister in the House

In Lok Sabha

On the 2nd April, 1968, the Minister of Industrial Development and Company Affairs (Shri Fakhruddin Ali Ahmed), in reply to a Short Notice Question[1] relating to the meeting of Professor M. S. Thacker, Chairman of the Industrial Licensing Policy Inquiry Committee with the Board of Directors of the Bank of India, stated[2] as follows:

"It is understood that Professor M. S. Thacker, Chairman of the Industrial Licensing Policy Inquiry Committee, was invited informally to a meeting of the Board of Directors of the Bank of India on the 28th March, 1968, to let them know his decision on the offer made to him of Directorship on the Board of the Bank. After telling them that he required three to four weeks to consider his decision, Professor Thacker came away from the meeting. Subsequently, the Government have been informed that he has declined the offer. In the circumstances, it is not proposed by Government to take any further action in the matter.

On the 24th April, 1968 the Minister of Industrial Development and Company Affairs, made[3] a statement on a Calling Attention Notice regarding the resignation of Professor Thacker from the Chairmanship of the Industrial Licensing Policy Inquiry Committee, wherein the Minister clarified that he based his reply to the Short Notice Question on the 2nd April, 1968, entirely on the information given to him by Prof. Thacker and the Secretary to the Industrial Licensing Policy Inquiry Committee. He further stated:

"I should like to clear another misapprehension which seems to exist namely, that Prof. Thacker's meeting with Board of Directors of the Bank was with the knowledge of Government. It is, of course correct that Government knew that Professor Thacker was going to Bombay on the 28th March, 1968 but Government

[1] S.N.Q. No. 15 (L.S. Deb. dt 2-4-1968) read as follows :—

"Will the Minister of Industrial Development and Company Affairs be pleased to state :

(a) whether Prof. M.S. Thacker, the Chairman of the Committee appointed to investigate into the question of issue of Industrial licences to private monopoly houses in the country has accepted the Directorship of the Bank of India and is attending its meetings; and

(b) if so, Government's reaction thereto ?"

[2] L.S. Deb., dt. 2-4-1968, c. 1407.

[3] L.S. Deb., dt. 24-4-1968, cc 2718—2722.

was at no time aware that he was proposing to attend the meeting of the Board of Directors of the Bank of India. It is only on his return from Bombay that he informed me on the 29th March, 1968 that he had attended the meeting. I then expressed my surprise and unhappiness over his doing so, but he explained that he had gone there only to ask for time and that he left the meeting soon after communicating his views in the matter.....

I would like to make it clear that Prof. Thacker seems to have some miscomprehension of my views as expressed in my earlier discussion with him on the 20th March, 1968. I am at a loss to understand how this happened, but even if there was any such misconception, I am sure it could not have lasted for long. So far as I am concerned, from the very beginning I had made it clear to Prof. Thacker that the Chairmanship of the Committee and the Directorship of the Bank are not consistent with each other, having regard to the proprieties involved in the matter.

On the 26th April, 1968 a member, sought[4] to raise a question of privilege on the ground that the Minister of Industrial Development and Company Affairs by his statement made on the 2nd April, 1968 had misled the House, which constituted a breach of privilege.

The Speaker (Dr. N. Sanjiva Reddy) permitted the member to ask for leave of the House, which he did. As more than 25 members rose in favour, the leave was granted. The member then moved the following motion:

"Whereas in the opinion of this House, it clearly appears necessary to inquire whether a breach of privilege of the House has been committed or not by the Minister of Industrial Development and Company Affairs by the reply given by him on the 2nd April, 1968 this House, therefore, resolves to refer this matter to the Committee of Privileges with instructions to report on the first day of the next session."

Subsequently, another member wanted to bring the statement made by the Minister on April 24, 1968, also within the purview of the motion and accordingly moved the following amendment to the motion:

"That in the motion *after* '2nd' *insert* 'and 24th'."

During the debate which ensued many members spoke for and against the motion. The Minister of Law (Shri P. Govinda Menon), participating in the discussion, observed *inter alia* as follows:

".....I am amazed to find that nobody who supported the motion referred to any passage in the statement made by the Minister on the 2nd April, 1968 which was either false.....or which was calculated to mislead the House.

We are told that these statements are false and are calculated to

[4]L.S. Deb., dt. 2-4-1968, cc. 171—252

mislead the House and therefore there should be an inquiry in the Committee of Privileges. Is the Committee of Privileges a body to inquire into matters which are not relevant to the issues raised? Is the privilege of this House, which is a very important privilege, a very important right to the members of the House and to the House to be so lightly treated that anything could be sent to the Committee of Privileges? If some of us would vote against it, it is because we want to see that the privilege of having a privilege for the members of the House should be preserved as a sanctified privilege and it should not be tossed about or attempted to be tossed about like this....."

After the debate, the Minister of Industrial Development and Company Affairs reiterated his earlier statements and said that he had neither made any false statement nor misled the House in any way.

The amendment to the motion was then put to vote and negatived. Thereafter, the motion was put to vote and negatived by 145 votes to 78.

Attempt to influence a member in his Parliamentary conduct

In Lok Sabha

On the 3rd April, 1968, a member, sought to raise[1] a question of privilege against Shri B. P. Patel, Chairman, State Trading Corporation of India for approaching Shri Baburao Patel, M.P. and Rajmata Vijay Raje Scindia of Gwalior, with a view to influencing Shri Baburao Patel to stop speakirg on the floor of the House about the alleged irregularities and suspected malpractices by the State Trading Corporation.

The member referred to the speech of Shri Baburao Patel, M.P. in the House on the previous day[2] and the letter written by the latter to Shri B. P. Patel in which Shri Baburao Patel had stated that an attempt was made to influence him directly and through the Rajmata Vijay Raje Scindia of Gwalior not to raise the question of alleged irregularities in the State Trading Corporation. This, he felt, constituted a breach of privilege.

After leave was granted by the House for raising the question of privilege, another member moved the following motion which was adopted by the House:—

"This House resolves that the question of breach of privilege raised by Shri Kanwar Lal Gupta against the Chairman, State Trading Corporation, be referred to the Committee of Privileges for investigation with instructions to report by the first day of the next session of the House."

The Committee of Privileges, after calling for written statements from Shri Baburao Patel, M.P., Rajmata Vijay Raje Scindia of Gwalior and Shri B. P. Patel, Chairman, State Trading Corporation presented a report[3] to the House on the 22nd July, 1968.

In his written statement to the Committee Shri Baburao Patel, M.P. alleg-

[1] L.S. Deb. dt. 3-4-1968, cc 1949—1957
[2] L.S. Deb. dt. 2-4-1968, cc 1689—1694
[3] Fifth Report of the Committee of Privileges (Fourth Lok Sabha), Lok Sabha Secretariat, July, 1968.

ed that by approaching Her Highness the Rajmata of Gwalior, Shri B. P. Patel, the Chairman of the STC, had attempted to bring pressure and undue influence upon him and tried to prevent him from carrying out his duties as a Member of Parliament.

Rajmata Vijay Raje Scindia of Gwalior, in her written statement, admitted that Shri B. P. Patel requested her to ask Shri Baburao Patel to abstain from harming him by asking questions in Parliament and writing articles against him.

Shri B. P. Patel, in his written statement explained that the only thing which impelled him to see Her Highness Vijay Raje Scindia of Gwalior was the inaccuracies and insinuations contained in an article of Shri Baburao Patel published by him not in his capacity as a Member of the Parliament but as a Journalist, Editor, Printer and Publisher of 'MOTHER INDIA'. He also assured the Committee that he had at no time any intention of bringing the institution of Parliament into disrespect and contempt or committing a breach of privilege of a member of the House.

The Committee came to the conclusion that there was no evidence that Shri B. P. Patel had attempted to influence Shri Baburao Patel, M.P. in his conduct as a Member, by threats or any other improper means which might constitute a breach of privilege and contempt of the House. The Committee however, felt that the conduct of Shri B. P. Patel in approaching Shri Baburao Patel, M.P. and Rajmata Vijay Raje Scindia of Gwalior with a view to influencing Shri Baburao Patel, M.P. to stop writing articles or speaking in Parliament about the alleged irregularities and suspected malpractices of the State Trading Corporation was not proper. While the Committee were satisfied that Shri B. P. Patel did not employ any improper means which might technically constitute a breach of privilege, they were of the view that as a public servant in a responsible position he should have acted with more discretion.

As recommended by the Committee, no further action was taken by the House.

Alleged defamatory Statement against the Opposition Members of Lower House made by a Minister in the Upper House

In the Mysore Legislative Assembly

On March 2, 1968, a member of the Mysore Legislative Assembly raised a question of privilege on the statement reported to have been made by the Minister for Development and Co-operation in the Mysore Legislative Council on February 29, 1968 in which the Minister was reported to have said *inter alia* that the members of the opposition in the Lower House were indulging in creating disturbances and confusion resulting in wastage of time. The statement was alleged to have been made by the Minister in the context of the availability of time for the discussion of the Mysore Panchayatiraj Bill. The question was debated at length both sides advancing arguments and citing authorities about the competence of one House to raise a question of privilege on the proceedings of the other House.

The Speaker after careful examination of the matter ruled as under on March 7, 1968:

> Indignities offered by words spoken or writings published reflecting on the character or proceedings of the House have been constantly punished by both the House of Lords and

the House of Commons upon the principle that such acts tend to obstruct the Houses in the performance of their functions by diminishing the respect due to them. Reflections upon the Members, particular individuals not being named or otherwise indicated, are equivalent to reflections on the House. From this statement of law, it is clear that reflections on the proceedings of the House should not be made. The question that now arises is whether this House can exercise its penal jurisdiction over the other House.

Under our Constitution the powers, privileges etc., of our legislatures are the same as those of the House of Commons in England. In England the House of Commons and House of Lord have equal powers. What transpires in one House cannot be questioned in another House. This principle has been very succinctly summarised by Hatsell in the following words:—

"Neither House can claim, much less exercise, any authority over a member of the other; but if there is any ground of complaint against an act of the House itself, against any individual, or against any of the officers of either House, this complaint ought to be made to that House of Parliament where the offence is charged to be committed; and the nature and mode of redress or punishment, if punishment is necessary, must be determined upon and inflicted by them".

Thus no case of breach of privilege or contempt of the House can be found on a speech made by a member in the other House or in any State Legislature in India because the proceedings of each House of Parliament and all legislatures are privileged.

Hon'ble Minister for Parliamentary Affairs quoted a ruling of the Speaker of Lok Sabha on 26th March, 1959 in which the Speaker held that a question of privilege could not be raised against the Chief Minister of Orissa for what he (Chief Minister) said in the Orissa Assembly. I will not quote that ruling *in extenso*. I shall however quote a recent ruling of the Speaker of Lok Sabha.

On 6th June, 1967 the Speaker informed the House that he had received a notice of a question of privilege from Sri Sant Bux Singh, Dr. Ram Manahor Lohia, Sri Rabi Ray, members, on an allegation made by Sri Sheel Bhadra Yajee, a member of Rajya Sabha on 30th May, 1967 during the course of a debate in Rajya Sabha and observed as follows:—

"Looking to the rules and procedures not only in this Parliament but in other Parliaments also, I feel that the other House being equally sovereign it is not proper for us to refer the matter to a privileges committee here. I would only say that it is unfortunate that members make allegations against the members of the other House.....I am not allowing the privilege motions to be referred to Privileges Committee".

A similar case in which the Leader of the Opposition in Madras Legislative Council raised a question of privilege against the Speaker of the Madras Legislative Assembly for certain remarks the Speaker made in the House, occurred on 29th June, 1967. The

Chairman, referring to an earlier ruling of 1955, withheld his consent for raising the matter and observed as follows on 19th July, 1967;

> "As I am very anxious to maintain an atmosphere of cordiality and mutual understanding between the two Houses and their Presiding Officers, I have decided not to take further action in the matter. My Hon'-ble Colleague in the other House will agree with me that in the matter of maintaining cordiality, good relationship and mutual understanding should exist".

In view of the foregoing rulings of the Presiding Officers and the statement of law, I cannot give my consent to the matter to be raised as a question of privilege, however, regrettable the words alleged to have been uttered by the Minister may be. That the words were uttered by a Minister in his capacity as a Minister in the other House does not make any difference, because whatever is said and done by a Minister in that House becomes part and parcel of the proceedings of that House and cannot be questioned here, so far as the question of privilege is concerned. I would appeal to the members that reflections on the proceedings of one House should not be cast by members of the other House".

PROCEDURAL MATTERS

Discussion by the House of a motion relating to a matter which is subjudice and laying on the Table of the House, a copy of a document filed by the Government before a Court

A significant procedural point cropped up in the Lok Sabha in May, 1968 regarding discussion by the House of a motion relating to a matter which was *sub-judice* and laying on the Table of the House, a copy of an affidavit filed before the Delhi High Court on Kutch affair. The ruling* delivered by Dr. N. Sanjiva Reddy, Speaker, Lok Sabha which sums up the facts of the case and the parliamentary procedure relating to these matters is reproduced below:

"On the 6th May, 1968, during the discussion on the West Bengal Budget, Shri Madhu Limaye raised a question that discrepancies in the statements made in the House and the affidavit relating to the implementation of the Kutch Award filed in the High Court of Delhi by an official on behalf of the Government should be discussed by adjourning the business of the House. He was supported by Shri Bal Raj Madhok and Shri Prakash Vir Shastri. Shri Hem Barua, who was in the Chair, observed that he would ask the Prime Minister to make a statement. Later in the day, when the Prime Minister came to the House and expressed her inability to make a statement, I observed that the matter would be discussed on the 7th May, along with the discussion on the discrepancies in the communications regarding the restraint and removal of certain Members in connection with the agitation in Kutch. There was, however, a demand by certain Members that copies of the affidavit, in question, should be circulated.

*Lok Sabha Debates, dated the 9th May, 1968; cc31. 49-56.

2. On the 7th May, there was again a request in the House that copies of the affidavit should be circulated. I said that I would ask the Minister. Subsequently the Law Minister made a statement objecting to the circulation of the copies of the affidavit on the following grounds:

(i) it was a document in the record of the High Court;

(ii) Points fit to be commented upon in the affidavit had been placed before the High Court by parties and the High Court had reserved judgment. Hence the matter was *sub-judice*.

3. At 6 o'clock on the same day, when Shri Madhu Limaye was called upon by me to move his motion standing in the list of business, a point of order was raised by Shri Narayan Rao that the motion related to a matter which was *sub-judice*. He submitted that the moving of the motion would be contempt of court as the High Court had not given its judgment. He further contented that the freedom of speech in Parliament was governed by Article 19(2) of the Constitution. I straightaway rule out this point of order because freedom of speech in the House is subject only to the rules of procedure of the House and such articles of the Constitution as regulate the procedure in the House. Article 19(2) does not come in the way of speeches in Parliament.

4. The Law Minister, however, raised a more substantial point of order. He contended that as the court had reserved judgment, discussion on the affidavit would mean discussing a matter which was *sub-judice* and was hit by rule 186(viii) which prohibited discussion on a matter which was under adjudication by a court of law.

5. Shri Nath Pai speaking on the point of order stated that the question whether a particular matter was *sub-judice* or not should be decided by the Speaker on the merit of each case and such matter could be discussed unless it appeared to the Chair that there was real and substantial danger or prejudice to the trial of the case. He further stated that the House could give instructions to Government as to how the proceedings should be conducted before the court and mere filing of a writ could not immobilise Parliament. He also said that the affidavit was a public document and anybody could obtain it and make a legitimate use of it. Shri Madhu Limaye, also speaking on the point of order, stated that discussion on the discrepancies in the statements made in the House and the affidavit did not touch matters which were before the court of law as the merits of the case would not come under discussion. He further said that the affidavit was a public document. He also said that in fact he had got a copy of the affidavit. He sought to lay it on the Table.

6. On my enquiry from the Law Minister whether the affidavit was a privileged or secret document, the Law Minister stated as follows:—

"I did not say that it is a privileged document; I said that it is a document which is now being considered by the court and it is not open to a party in litigation in a court to publish that document. This is similar to a plaint and a written statement in a regular case. It is not usual for a party to a case to publish this.....It is so stated, for example, in the Commentary on the Evidence Act, that the class of documents which consists of plaints, written statements, affidavits and petitions filed in court cannot be said to form such acts or

records of acts as are mentioned in this Section and are, therefore, not public documents. This is an affidavit which has been produced by one of the Under Secretaries to Government on behalf of Government. It has been produced in court and it is not correct to say that anybody will get a copy. A copy will be given only to the party and, after the case is decided, it may be available for others."

He further went on to say:

"The point is that, assuming but not conceding that the affidavit filed by the Under Secretary is in variance with the statement which the Home Minister may have made here, that is something which tells upon the strength and efficacy of that affidavit. And that is a matter which will be discussed in the court and which, as a matter of fact, was discussed in the court. As a matter of fact, now I can submit, on behalf of Government, that the question was raised in the court that this affidavit by the Under Secretary is slightly at variance with what the Home Minister has stated.... That is a matter which, probably, the judges are now considering and, therefore, I cannot conceive of a matter which will be more directly and clearly in violation of the *sub-judice* rule which I pointed out."

7. After hearing the members and the Law Minister I reserved my ruling. There are three questions before me on which I have to give my decisions:

(i) whether a paper or a document including a plaint, written statement, affidavit or petition filed in a court by the Government can be laid on the Table of the House;

(ii) whether the copy of an affidavit which is stated to have been filed by an Under Secretary on behalf of the Government of India in the High Court of Delhi and which is sought to be laid by Shri Madhu Limaye on the Table of the House should be allowed to be laid; and

(iii) whether the following motion, notice of which has been given by Shri Madhu Limaye, and which appeared in the list of business on the 7th May, should be admitted and allowed to be discussed in the House:

Motion

"That this House disapproves of the statements made by Shri Ranganathan, Under Secretary, Ministry of External Affairs, on behalf of the Government of India in his affidavit in opposition on the 21st April, 1968, before the Delhi High Court which are contrary to the statements made by the Minister of Home Affairs in the House on the 28th February, 1968 in regard to implementation of Kutch Award".

8. As regards the first question, a document or a paper is laid on the Table of the House for the information of Members and also to assist them in debates and discussions in the House. The document or paper laid on the Table becomes public after it is laid on the Table. Government have unlimited right in the matter of laying documents/papers on the Table of the House. They can do so of their own

accord or in response to requests from the Members. The only restriction in the Rules of Procedure of Lok Sabha on this right is that a Minister may not lay a paper or document on the Table of the House if he states that it is of such a nature that its production would be inconsistent with public interest. So far as documents or papers including plaints, written statements, affidavits and petitions, which are filed in a Court of Law by or on behalf of the Government, are concerned, they are nonetheless Government documents. So far as I have been able to make out, the classification of documents as private documents under the Evidence Act does not debar Government from producing them before the House. The classification of documents as public or private under the Evidence Act is primarily for the purpose of proving them before a Court of Law. The relationship between Government and Parliament is on a Constitutional footing and in my opinion, there is nothing in the Constitution or in the Rules of Procedure of Lok Sabha or in the Evidence Act, which the Law Minister has quoted, to prohibit the Government from producing such a paper before the House, to which the Government is responsible. Rather the Government should not keep back from the House a document which they have filed in a Court. I, therefore, consider that ordinarily a paper or document including a plaint, written statement, affidavit or petition, submitted before a Court of Law, can be placed on the Table of the House. It is, however, open to a Minister to decline to lay a paper or document on the Table of the House if he states that it is of such a nature that its production would be inconsistent with public interest. The Chair cannot compel the Minister to lay such a paper or document on the Table of the House but the House has adequate remedies available to it.

9. As regards the second question, in the light of my above decision, I permit Shri Madhu Limaye to lay on the Table of the House a copy of the affidavit, in question, provided he complies with other requirements under the rules for laying of documents by Private Members on the Table of the House.

10. As regards the third question, the rule whether a motion which relates to matter which is under adjudication by a court of law should be admitted or discussed in the House has to be interpreted strictly. While on the one hand the Chair has to ensure that no discussion in the House should prejudice the course of justice, the Chair has also to see that the House is not debarred from discussing an urgent matter of public importance on the ground that a similar, allied or linked matter is before a court of law. The test of sub-judice in my opinion should be that the matter sought to be raised in the House is substantially identical with the one on which a Court of law has to adjudicate. Further in case the Chair holds that a matter is *sub-judice* the effect of this ruling is that the discussion on the matter is postponed till judgment of the court is delivered. The bar of *sub-judice* will not apply thereafter, unless the matter becomes *sub-judice* again on an appeal to a higher Court. Applying these two tests to the present notice of motion by Shri Madhu Limaye, I consider that in view of the statement by the Law Minister, that "the question that the affidavit filed by the Under Secretary is slightly at variance with what the Home Minister has stated has been raised in the Court and is under adjudication by the Court", the very matter which is sought to be raised by the Member is awaiting adjudication by the Court of Law. Hence I consider that discussion on the notice of motion should be postponed until the court has delivered its

judgment. I am, however, clear that the matter is of public importance which should be discussed in the House and its importance will not be lost if the House waits until the court has adjudicated in the matter."

No other business to be taken up at the time fixed by the President for the presentation of the Budget

In Lok Sabha

On February 29, 1968, when the House reassembled at 5 p.m. for the presentation of the Budget, a Member submitted that his Motion regarding Bihar which had remained part-discussed on February 28, 1968 at the time of the adjournment of the House on that day should be taken up before the presentation of the Budget. The Speaker observed that the date and time for the presentation of the Budget had been fixed by the President and it must be gone through at the appointed time. As regards further discussion on the Members' motion, time would be found subsequently. The Speaker then (at 5-20 p.m.) called the Finance Minister to present the Budget. When the Finance Minister rose to make the Budget speech, the proceedings were interrupted by certain Members for ten minutes. The Finance Minister, however, continued his speech amidst the interruptions. At 5-30 P.M. the Members who were interrupting the proceedings walked out of the House. The Finance Minister continued his speech as scheduled.

Adjournment Motions not admissible when there are other ways of discussing the matter

In Assam Legislative Assembly

On March 4, 1968, some Members of the Assam Legislative Assembly wanted to move adjournment motions, notices of which had been given by them on the incidents that took place at Karimganj on March 2, 1968 resulting in the death and injury of some persons and arson of many houses. Earlier on March 3, 1968, the Chief Minister had made a factual statement about the incidents in Karimganj and the steps Government had taken to bring normalcy to the town.

While the concerned members pressed for admission of their adjournment motions, the Minister for Parliamentary Affairs submitted that as the Chief Minister had already made a statement, Karimganj affairs could be discussed by moving a substantive motion on the statement of the Chief Minister. He also submitted that this matter could be discussed in the coure of debate on the Governor's Address which was being held.

The Speaker after careful consideration of the matter ruled as under on March 5, 1968:

> "The test of urgency of adjournment motion is 'the occurrence of some sudden emergency either in home or foreign affairs' so as to compel the House to leave aside all other business and take up consideration of the urgent matter at the appointed hour. The urgency must be of such a character that the matter really brooks no delay and should be discussed on the same day ...
>
> This adjournment motion deals with the matter of recent occurrence. It is also very definite. It no doubt wants to deal with a problem which is of great importance to the House. The question is whether the adjournment motion

is the only way to raise discussion of this nature in this House? The Chief Minister has given this House all information regarding this incident. He expects some more information to place before the House. There is no desire to shut out the Members from discussing this important matter but it is not necessary that the matter should be discussed only through an adjournment motion. In May's Parliamentary Practice* it is laid down that adjournment motion should be refused when an ordinary parliamentary opportunity should occur shortly or in time as for instance when the matter can be raised on the estimate or when the matter can be raised when the vote on account or a stage of Consolidated Fund Bill was to be taken up in the next few days and such other occasion.

We have before the House general discussion on the Budget wherein the law and order figures prominently. As has been submitted this can be discussed also through a substantive motion on the Chief Minister's statement, for this it would not be necessary to disturb the order paper. The members will get full opportunity to express their views not only on the unfortunate incident that took place in Karimganj but also how to prevent such occurrence in future. It may be so necessary to allot more time for the discussion of this matter instead of just 2-1|2 hours.

Another aspect which I have taken into consideration is the purpose of adjournment motion. Such motions have three-fold purposes namely, (i) to get information from the Government; (ii)to raise some discussion; and (iii) to censure Government. So far as the first purpose is concerned, the information has been given by the Chief Minister. So far as the second purpose is concerned, it will be available to Hon. Members in course of the debate on Budget as well as through a substantive motion. In the notices, no mention or indication is there that it is for censuring the Government. As it is clear that the purpose is to raise discussion, this can be done easily and the House will not be prevented from discussing the matter. I have also gone through many debates in this House as well as in the Parliament. Generally the practice is that if a statement is made on a matter at issue, adjournment motion should not be pressed unless it is to censure the Government. Though it is not the rule of procedure or established convention, it is generally the established practice. In that view also I would like the House to follow this practice unless the House feels that the adjournment motion should be treated as censure motion. Censure motion should not come too often for such motion loses pointedness and seriousness, if they are brought very often. The House discussed a no-confidence motion the other day and I do not think it will be proper to treat this adjourn-

*See Erskine May's Parliamentary Practice, Seventh Edition, p. 362.

ment motion as a motion of no-confidence.....

In view of all these alternative opportunities available to this House, I feel reluctant to admit the motion. If the members so desire to discuss this matter, I can in consultation with the leader of the parties fix sufficient time for its early discussion."

If we want to cultivate a true sense of democracy we cannot afford to be intolerant.

—MAHATMA GANDHI.

FIFTH SESSION OF FOURTH LOK SABHA

A REVIEW*

The fifth Session of the Fourth Lok Sabha was held from 22nd July to 30th August, 1968. Twenty eight sittings which aggregated to 184 hours and 21 minutes were held during the period. Major events which took place and the actual work transacted during the Session are briefly mentioned below.

A. MAJOR EVENTS

Soviet Arms Aid to Pakistan

The reported Soviet arms aid to Pakistan dominated the proceedings of Lok Sabha on the opening day of the Session. The subject was brought up before the House first in the form of a Call-attention motion for which notice had been given by Shri D. N. Patodia, Smt. Tarkeshwari Sinha, Shri Samrendra Kundu, Shri Hardayal Devgun and Shri Madhu Limaye. A statement was made by the Prime Minister, Smt. Indira Gandhi, in response to the Call-attention notice.

Later, the House granted leave to Shri Piloo Mody (Swa.) to move a motion for adjournment of the House over "the failure of Government of India's foreign policy as is evidenced from the Soviet Union's agreeing to supply arms including lethal weapons to Pakistan". The adjournment motion was supported by all the Opposition Groups, except the C.P.I.-Right and the C.P.I.-Marxist.

The adjournment motion was a sequel to a meeting held earlier between the Prime Minister and the leaders of the Opposition Groups. Shri Nath Pai, with the agreement of other leaders (excepting Communists) suggested that a unanimous motion "regretting the action of the USSR" should be discussed. The Prime Minister did not agree to this. Then the leaders of the Opposition (excepting Communists) met and decided to press the adjournment motion.

The discussion on the motion, which continued for five hours, was marked by an acrimonious debate and several heated exchanges between the Congress and the Opposition benches. Similar exchanges took place earlier also on the Call-attention notice

The adjournment motion was ultimately put to vote and negatived by 206 votes to 61.

Censure Motion Against Shri Morarji Desai

An attempt was made, *albeit* unsuccessfully, by Shri Madhu Limaye (S.S.P.), on the 24th July, 1968, to bring the Deputy Prime Minister and Minister of Finance, Shri Morarji Desai, before the bar of the Privileges Committee for having committed, it was alleged, a contempt of the House in

*Prepared by the Library, Reference and Information Service of the Lok Sabha Secretariat.

making certain misleading statements in the House on the 30th April, 1968, while replying to the debate on the general discussion on the Finance Bill in connection with the involvement of his son with a certain business house.

The Member contended that the son of the Deputy Prime Minister continued to have connections with the business house contrary to what the Deputy Prime Minister had said in his statement.

Shri Morarji Desai, in his reply, repudiated the charge made by the Member.

The Speaker, after hearing both the sides, ruled that no question of privilege was involved in the statement made by Shri Morarji Desai on the 30th April 1968 and refused permission to the Member to move the motion to refer the matter to the Committee of Privileges.

On the 19th August, 1968, Shri Limaye again came up with a censure motion against Shri Desai with the specific charge that he had made "false statements" in the House in regard to the business connections of his son, when he said that his son had severed his business connections in June, 1964, after becoming his Private Secretary. The Member also sought to arraign the Prime Minister, through his censure motion, for not having asked the Deputy Prime Minister to resign from the Government for his acts of commission and omission. Shri Morarji Desai, who took the floor thereafter refuted all the charges.

Intervening in the debate, the Prime Minister said that the Opposition had not produced any evidence in support of the charge and had not made out any case which should impel her to part with a trusted colleague

The censure motion was defeated by 193 votes to 57.

President's Rule in States

A statutory resolution seeking 'aproval of the House to the Proclamation issued by the President on the 29th June, 1968 under article 356 of the Constitution in relation to State of Bihar' was moved by Shri Vidya Charan Shukla, Minister of State for Home Affairs, on the 25th July, 1968.

Although the opposition to the resolution was not very strong or vociferous, it was emphasised by the Opposition that law and order had completely failed in Bihar after the imposition of the President's rule.

Shri Y. B. Chavan, who replied to the debate told the House that in the circumstances prevailing in Bihar, there was no alternative other than imposing the President's rule.

The Proclamations in respect of Uttar Pradesh and West Bengal, which were already under President's rule, were given a fresh lease of life. On the 27th and 28th August 1968, the House adopted resolutions for continuance in force of the Presidential Proclamations in respect of these two States for another period of six months. Next, it was the turn of Punjab where also it became necessary to impose President's rule and on the 29th August, the House passed the Resolution seeking approval of the Proclamation.

Strike by Newspaper Employees

The strike by the non-journalist employees of the bigger-class newspapers was the subject of a two-hour discussion on the 30th July, 1968.

Opinion during the debate was overwhelming in favour of the striking workers and cut across party lines. From the Congress benches, the lone Member to oppose the implementation of the Wage Board award was Shri

Shantilal Shah while the only other Member to strike a discordant note from the opposition side was Shri N. Dandekar (Swa.). Both of them opposed the implementation of the Wage Board award in favour of the striking workers.

The debate ended on a satisfactory note when the Labour Minister, Shri Jai Sukh Lal Hathi, indicated in unambiguous terms Government's intention to make the award statutorily binding on the newspaper industry.

Abrupt Adjournment of the House.

The Speaker had to adjourn the House half-an-hour before the scheduled time for lunch on the 31st July, 1968 as he found the going a little too rough and the members in a determinedly defiant mood.

The ball was set rolling after the question hour by Shri Yashpal Singh (Ind.) who, in a raised voice, asked the Speaker for a reply to the communication he had sent to him earlier. Despite repeated requests and warnings from the Chair, the Member continued to speak and held the floor for about five minutes. Another Member, Shri Mohammad Ismail (Ind.) waving a sheaf of papers, began speaking on a different issue. At this stage, several other members stood up simultaneously and began speaking in a chorus of voices.

Visibly annoyed at this defiance of the Chair, the Speaker suddenly adjourned the House and retired to his Chamber.

The Banking Laws (Amendment) Bill, 1968

The deletion of a few paragraphs from the Minutes of Dissent to the Report of the Select Committee on the Banking Laws (Amendment) Bill, 1968 gave rise to a piquant situation in the House on the 2nd August, 1968 and was instrumental in getting the discussion on the Bill postponed.

The Bill had run into rough weather earlier due to some alleged technical flaws but the objections raised by Shri Srinibas Misra (P.S.P.) were overruled by the Speaker. Later, Shri Madhu Limaye tried on behalf of the Opposition to stall consideration of the Bill and objected to the deletion of some paragraphs from his Minutes of Dissent to the Report of the Select Committee without his consent. The Deputy Speaker, who was in the Chair, upheld the Member's objections and ordered the restoration of the deleted paragraphs.

Thereafter, the Opposition successfully pressed for adjournment of the discussion on the Bill until copies of the corrected Report had been made available to the Members.

The discussion on the Bill was resumed on the 5th August, 1968 and the Bill was ultimately passed on the 6th August, 1968. In the course of the marathon debate on the Bill which went on for four days and spilled over two weeks, the Opposition made several attempts to defeat the Bill by forcing a number of divisions, raising technical objections etc. The real objection to the Bill stemmed from Clause 36AD, which prohibited demonstrations by employees in Bank premises, but the Opposition attempts at getting the Clause dropped from the Bill were not successful. This led to a walk-out by the entire Opposition except the Swatantra Group.

U.S. Research Project in India

The alleged involvement of the American Department of Defence in the University of California Sociological Research Project in the Himalayan

border regions came under fire in Lok Sabha on the 5th August, 1968. The matter was raised through a Call-attention motion by Shri Tridib Chaudhuri who further alleged that there were a number of other projects in India, sponsored by foreign Governments which, though ostensibly for research, were actually engaged in collecting information of an intelligence nature.

The Minister of State for External Affairs, Shri B. R. Bhagat, in reply assured the House that the Government would review the advisability of permitting the continuance of research programmes which were suspect, especially the project of the California University in the sensitive Himalayan region.

Flood Situation in the Country

The widespread damage and havoc caused by the floods in various parts of the country was the subject of a three hour discussion in the House on the 12th August, 1968. The debate was summed up by the Minister for Irrigation and Power who mildly chided the Members for not comprehending the enormity of the problem, both technical and financial. He supplied facts and figures in a convincing manner. For the most part, his speech was devoted to a technical dissertation on the problems of flood control and what the Government had already done in this field. One concrete suggestion to come from him was the Government's intention to prevent people from settling in areas prone to floods, by force if necessary.

Developments in Czechoslovakia

The echoes of the liberalisation movement going on in Czechoslovakia and the Declaration at the Bratislava Conference of six East Europan Communist Powers were heard in Lok Sabha on the 14th August, 1968. Shri S. N. Dwivedy, Leader of the PSP Group, sought, through a resolution, to register the support of the House to the people of Czechoslovakia in their bid to assert their freedom. The resolution also sought to reiterate the faith of the House in the policy of non-involvement and non-interference in the internal affairs of any country.

The resolution was severely criticised by the Right Communist leader, Shri H. N. Mukerjee who described it as 'venomous' because of its anti-Soviet stance. He saw behind the movement going on in Czechoslovakia a conspiracy of the world reactionaries to topple the socialist regimes in the different parts of the world. Shri M. L. Sondhi (J.S.) who spoke after Shri Mukerjee urged the House to give a 'national focus' to the movement going on in Czechoslovakia and extend wholehearted support to the Czechoslovak people.

The discussion on the resolution was resumed fifteen days later on the 30th August, 1968, under the shadows of the events that had taken place in Czechoslovakia subsequently. The resolution was adopted with the support of the Government, with the two Communist Groups opposing it.

The occupation of Czechoslovakia by the armies of the Soviet and some other Warsaw Pact countries was taken up in Lok Sabha on the 21st August 1968. A statement by the Prime Minister on the situation that had developed there was followed by an immediate demand for a discussion on the matter. On seeing the mood of the House, the Speaker announced that a discussion on developments in Czechoslovakia would be held the next day. During the debate party loyalties were thrown overboard and several senior Congress Members such as Shri K. Hanumanthaiya, Shri P. Venkatasubbaiah and Smt. Sucheta Kripalani unreservedly

expressed their anger and protest at the Soviet action and condemned it as aggression, a line which the Government was not prepared to accept. Even some Communist Members, sensing the mood of the country and the House, expressed 'grave concern' at the Soviet action, although they were not prepared to condemn it outright. There were, however, some Members belonging to the C.P.I. (M) Group who saw nothing wrong in the Soviet action.

The high-water mark of the debate came when Shri Asoka Mehta, Minister for Petroleum and Chemicals and Social Welfare, voted for a substitute motion moved against the party line by Smt. Sucheta Kripalani, describing the Soviet action as "a clear violation of the U.N. Charter". The substitute motion was defeated by 185 votes to 82.

The news of India's abstention on the Security Council resolution on the Czech situation sparked off yet another uproarious scene on the 23rd August 1968. The proceedings were held up for nearly two hours by certain Members and a walk-out was staged by the Opposition, barring the two Communist Groups, in disapproval of India's stand at the Security Council. So excited was Shri Nath Pai that he challenged the Government to resign and seek a fresh mandate from the people. In the midst of the din and noise, several attempts by the Prime Minister to explain India's stand at the Security Council were frustrated. But when she did succeed in conveying to the House that India had supported the entire resolution except that part which sought to condemn Russia, it met with a mixed reaction. Though partially mollified by her statement, some Members would be content with nothing less than an outright condemnation and wanted a fresh debate on the subject, with particular reference to India's abstention at the U.N. They ultimately had their way when the Chair acceded to their demand and a motion was moved by Shri S. N. Dwivedy to take into consideration the statement made by the Prime Minister. Many substitute motions disapproving the action taken by Government were moved during the debate, which followed, but all of them were negatived.

B. WORK TRANSACTED

Period of the Session—22nd July to 30th August, 1968.

Number of sittings held—28

Number of Divisions held—23

Government Bills:

(a) *Pending at the commencement of the Session*—30

(b) *Introduced*—

(*i*) The Gold (Control) Bill, 1968.

(*ii*) The Judges (Inquiry) Bill, 1968.

(*iii*) The Indian Patents & Designs (Amendment) Bill, 1968.

(*iv*) The Enemy Property Bill, 1968.

(*v*) The Inter-State Water Disputes Bill, 1968.

(*vi*) The Army, Air Force and Naval Law (Amendment) Bill, 195

(*vii*) The Appropriation (Railways) No. 3 Bill, 1968.

(*viii*) The Appropriation (Railways) No. 4 Bill, 1968.
(*ix*) The Bihar Appropriation Bill, 1968.
(*x*) The Appropriation (No. 3) Bill, 1968.
(*xi*) The Appropriation (No. 4) Bill, 1968.
(*xii*) The Criminal & Election Laws (Amendment) Bill, 1968.
(*xiii*) The Uttar Pradesh Appropriation (No. 3) Bill, 1968.
(*xiv*) The Punjab, State Legislature (Delegation of Powers) Bill, 1968.
(*xv*) The Madras State (Alteration of Name) Bill, 1968.

(c) *Referred to Joint Committee*:

(*i*) The Union Territories (Separation of Executive and Judicial Functions)Bill, 1968.
(*ii*) The Gold (Control) Bill, 1968.
(*iii*) The Patents Bill, 1967.
(*iv*) The Foreign Marriage Bill, 1963.
(*v*) The Insurance (Amendment) Bill, 1968.

(d) *Passed*:

(*i*) The Requisitioning and Acquisition of Immovable Property (Amendment) Bill, 1968.
(*ii*) The Border Security Force Bill, 1968.
(*iii*) The Rice-Milling Industry (Regulation) Amendment Bill, 1968.
(*iv*) The Andhra Pradesh and Mysore (Transfer of Territory) Bill, 1968.
(*v*) The Enemy Property Bill, 1968.
(*vi*) The Inter-State Water Disputes (Amendment) Bill, 1968.
(*vii*) The Press & Registration of Books (Amendment) Bill, 1968.
(*viii*) The Banking Laws (Amendment) Bill, 1967.
(*ix*) The Public Premises (Eviction of Unauthorised Occupants) Amendment Bill, 1968.
(*x*) The Advocates (Amendment) Bill, 1968.
(*xi*) The Indian Patents & Designs (Amendment) Bill, 1968.
(*xii*) The Judges (Inquiry) Bill, 1968.
(*xiii*) The Appropriation (Railways) No. 3 Bill, 1968.
(*xiv*) The Appropriation (Railways) No. 4 Bill, 1968.
(*xv*) The Gold (Control) Bill, 1968.
(*xvi*) The Bihar Appropriation Bill, 1968.
(*xvii*) The Appropriation (No. 3) Bill, 1968.
(*xviii*) The Appropriation (No. 4) Bill, 1968.
(*xix*) The Uttar Pradesh Appropriation (No. 3) Bill, 1968.
(*xx*) The Bihar State Legislature (Delegation of Powers) Bill, 1968.
(*xxi*) The Punjab State Legislature (Delegation of Powers) Bill, 1968.

(*e*) Part—discussed . . . . . Nil

(*f*) Discussion postponed	Nil
(*g*) Pending at the end of the Session	31

Private Members' Bills :

(*a*) Pending at the commencement of the Session	138
(*b*) Introduced	6
(*c*) Discussed	4
(*d*) Passed	Nil
(*e*) Withdrawn	1
(*f*) Negatived	1
(*g*) Circulated for eliciting opinion	1
(*h*) Part-discussed	1
(*i*) Pending at the end of the Session	142

Discussions held under Rule 193:

(Matters of Urgent Public Importance):

(*i*) Strike by the Newspaper employees	30-7-68
(*ii*) Crisis in the Steel Plants of the Hindustan Steel Ltd.	13-8-68
(*iii*) Renewal of lease by the West Bengal Government of Calcutta Electricity Supply Corporation in contravention of the Industrial Policy Resolution	27-8-68

Statements made under Rule 197:

(Calling attention to matters of urgent public importance):

(*i*) Soviet arms aid to Pakistan	22-7-68
(*ii*) Unseemly incidents in front of the Soviet Information centre in Delhi	23-7-68
(*iii*) Negotiations with the ex-Rulers of Princely States on the question of Privy Purses	24-7-68
(*iv*) Death of a woman employee of Patna Medical College Hospital and injuries to several persons in Patna and Ranchi due to Lathi charge by the Police	25-7-68
(*v*) Reported cutting of telecommunication services between Shillong and the rest of the country by saboteurs	29-7-68
(*vi*) Appointment of a Trade Representative of Mysore in London	30-7-68

(*vii*) Recent talks with the U.S. officials in Delhi. . . 31-7-68

(*viii*) The Czech-Soviet dispute and the efforts made by the Government of India in regard thereto 1-8-68

(*ix*) Judgement of the Supreme Court on the Punjab Appropriation Act and the reaction of the Government of India thereon . . . 2-8-68

(*x*) University of California Sociology Research Project in the Himalayan Border Regions 5-8-68

(*xi*) Discontent among the employees of Electricity Undertakings in the country 6-8-68

(*xii*) Assassination of the underground Naga Leader Kaito Sema 7-8-68

(*xiii*) Pro-Pakistan speech of Maulavi Farooq, Chairman, Awami League Action Committee, Kashmir 9-8-68

(*xiv*) Reported decision to wind up the Indo-Swiss Training Centre at Chandigarh 12-8-68

(*xv*) Reported administrative dispute between the Central Government and the Delhi Administration over the nomination of a Finance Member to the N.D.M.C. 13-8-68

(*xvi*) Pakistan's refusal to allow Indian policemen to enter the Indian enclaves within its territory . . 14-8-68

(*xvii*) Reported carrying of Indian passport by some of the three persons responsible for hijacking and Israeli aircraft to Algiers . . . 20-8-68

(*xviii*) Judgement of the Supreme Court on the Punjab Appropriation Act and the reaction of the Government of India thereon . 21-8-68

(*xix*) Tresspassing of East Paskistan Riflemen into Indian territory and shifting of boundary pillars by them . . . 23-8-68

Half-an-Hour Discussions Held :

(*i*) Price of Indian tea in International market 24-7-68

(*ii*) Visit of Pakistan experts to Farakka barrage 26-7-68

(*iii*) Over-flying of Pakistan jets on Indian territory 29-7-68

(*iv*) Residence of Tagore seized by the East Pakistan Government 31-7-68

(*v*) Demurrage paid by the Food Corporation of India 2-8-68

(*vi*) Manufacture of Scooters 5-8-68

(*vii*) Homes for freedom fighters in West Bengal 7-8-68

(*viii*) Supply of Tractors . 9-8-68

(*ix*) Indian goods and equipment held by Pakistan 14-8-68

(*x*) Talcher Industrial Complex 23-8-68

(*xi*) Father Ferrer's activities 28-8-68

Statutory Resolutions moved :

(*i*) Resolution seeking approval of the Proclamation issued by the President of India in relation to the State of Bihar 25-7-68

(*ii*) Resolution disapproving the Gold (Control) Ordinance, 1968 29-7-68

(*iii*) Resolution disapproving the Indian Patents & Designs (Amendment) Ordinance, 1968 9-8-68

(*iv*) Resolution seeking approval of the continuance in force of the Proclamation issued by the President in respect of the State of Uttar Pradesh 27-8-68

(*v*) Resolution seeking approval of the continuance in force of the Proclamation issued by the President in respect of the State of West Bengal 27-8-68
28-8-68

(*vi*) Resolution seeking approval of the Proclamation issued by the President in respect of the State of Punjab 29-8-68

Government Resolutions : . Nil.

Private Members' Resolutions :

(*i*) Posts in Civil and Military Departments . 2-8-68

(*ii*) Rural housing development 2-8-68
14-8-68

(*iii*) Liberalisation movement in Czechoslovakia . . . 14-8-68
30-8-68

(*iv*) Status of Jammu and Kashmir . 30-8-68

Government Motion moved :

Re: Committee on the Welfare of the Scheduled Castes and Scheduled Tribes 30-8-68

Private Members' Motions moved :

(*i*) Re: Flood situation in the country . 12-8-68

(*ii*) Re: Disapproval of the conduct of the Deputy Prime Minister and the Prime Minister 19-8-68

(*iii*) Re: Statement made by the Prime Minister on 21-8-1968 in regard to the entry of the armed forces of the U.S.S.R. and other Warsaw Pact countries into Czechoslovakia 22-8-68

(*iv*) Re: Statement made by the Prime Minister on 23-8-1968 in regard to the U.N. Security Council Resolution relating to Czechoslovakia . 23-8-68

(*v*) Re: Drought conditions in Andhra Pradesh and parts of Mysore and Madras 29-8-68

(*vi*) Re: Demands of the Central Government employees for need-based minimum wage 30-8-68

Adjournment Motion admitted and Discussed :

Re: Failure of Government of India's foreign policy as evidenced from the Soviet Unions agreeing to supply arms, including lethal weapons, to Pakistan 22-7-68

Total Number of Questions admitted :

(*i*) Starred .	801
(*ii*) Unstarred . . .	6899
(*iii*) Short-notice Questions	16

Reports of important Parliamentary Committees Presented :

(*i*) Estimates Committee .	3
(*ii*) Committee on Government Assurances	1
(*iii*) Committee on Petitions	1
(*iv*) Committee on Privileges	1
Petitions presented .	3

New Members Sworn in :

(*i*) Smt. Ila Pal Choudhury—22-7-68 (Krishnagar) West Bengal.

(*ii*) Shri Dhamidhar Basumatary—22-7-68 (Kokrajhar), Assam.

(*iii*) Shri Bindheshwari Prasad Mandal—23-7-68 (Madhipura) Bihar.

The Constitution of India—A Comparative Study by S. C. Dash (Chaitanya Publishing House, Allahabad, 1968, pages 621, Rs. 16)

This is the second revised edition of the author's 'The Constitution of India: A Comparative Study', which was first published in December, 1959.

As stated by the author in the Preface to the first edition, the book does not cover the Constitution in its entirely. It takes into account only common features of all Constitutions and, as such, the Constituent Assembly, the form of Constitution and the method of its amendment Federalism, Parliament, Executive: Head of the State and the Cabinet, Judiciary: Principles and Structure of Judicial Organisation and the Problems of Judicial Review and Fundamental Rights in their philosophical and material aspects, have been brought under discussion.

The author has tried to make a critical assessment of different aspects of the Constitution, with a view to finding out points of similarity and distinction in foreign Constitutions "from which we have deliberately borrowed."

Since the publication of the first edition in 1959, considerable changes have taken place in the political scene of the country and the Constitution itself has undergone several changes as a result of many amendments made to it since 1959. The Fourth General Elections in 1967 have ushered in a new era of Centre-State relationships consequent on the formation of non-Congress Governments in many States of the Indian Union. The time, therefore, is most appropriate for a student of the Indian Constitution to undertake an introspective study of the Constitution with a view to seeing to what extent it has withstood the passage of time and safeguarded democracy against attacks from several quarters. This is what Shri Dash has attempted to do in this publication. Viewed in this context, the book, as revised, is a timely and welcome addition to the growing volume of essays on the Indian Constitution.

Divided into three parts—evolutionary, comparative and political—the book contains ten chapters devoted, *inter alia*, to the comparative study of the Constitutions, the functioning of the Legislature, the Executive and the Judiciary and the working of Democracy in India.

In the chapter devoted to historical background, the author takes the readers through the early beginning of centralism and decentralisation right upto the time when India became independent in 1947.

Before embarking on the comparative study of the constitutions of India and other countries which forms the subject matter of part II—the author makes a pointed reference to the country's tenuous link with the Commonwealth which, in his opinion, "may continue as an unorganised association until there is a serious friction dictated by self-interests of the member-nations." Many, however, will not agree with him that the future of the Commonwealth is extremely shaky.

Did the Constituent Assembly derive its sovereign character from the will of the people? The author has posed this question and after examining the wording of the preamble of several constitutions has this answer: "All the Constitutions proclaim their authority from the people and only in the Constitution of India the people declare that they did not function directly but through their Constituent Assembly for the purpose of adopting and enacting a Constitution." The people, he says, had no voice in the business of electing the Constituent Assembly. This was one of the reasons for which leftist parties challenged the authority of the Constituent Assembly.

Another drawback of the Constitution which has come in for trenchant criticism lies in the fact that the people of India, unlike the people of United States, Weimar Germany, Switzerland and Australia, have not been given any opportunity for expressing themselves about the constitutional amendments either at the stage of initiation or of ratification. The author has underlined the inherent danger in the complete subordination of the constituent powers of the people to the execlusive authority of the legislatures in a country like India where monolithic party system has developed and where one party, namely, the Congress, has inherited extraordinary political and psychological influence. The writer could as well have referred to the changed complexion of the lower chamber of the Indian Parliament, in the wake of the Fourth General Elections, wherein no single party or group could muster enough numerical strength to ensure the passage of a Constitution Amendment Bill by a two-third majority.

An important subject which has come in for serious consideration at the Conference of the Presiding Officers of the Legislative Bodies in India is the impartiality of the Presiding Officer. The Presidents of the Reichstag and the Bundestag have not sufficient time or interval for setting up traditions in either the English or American pattern but they are partisan outside the House, while trying to maintain impartiality from their chair inside the chamber. This is because in both the systems government is modelled in the parliamentary form and the legislature is not in need of the Speaker's leadership.

Reviewing the position at home, the author is of the view that India has not yet arrived at an indubitable position in regard to the Speakership. One would have serious doubts about his observations that "prior to the independence, one President of the Central Legislative Assembly, Mr. Vithalbhai Patel, was very much partisan and his successors, Sir Sanmukham Chetty and Sir Abdur Rahim had assumed complete impartiality." Vithalbhai Patel dissociated himself from the Swarajist Party of which he was an active member prior to his election as the Presiding Officer and during the entire term of his Office he kept himself aloof from party interests. His unanimous re-election both by the official as well as non-official members of the Assembly is a conclusive proof that he had established a good reputation as a Presiding Officer. Shri Patel, was a staunch upholder of justice and fair-play and it was his unflinching nationalism that made him appear as a partisan to the then rulers of the country. The author has noted with gratification that the present Speaker of the Lok Sabha, Shri N. Sanjiva Reddy resigned from the Congress party soon after he was elected Speaker in 1967.

Though there is no provision for Standing Committees in the Constitution, the Rules of Procedure provide for them. While scanning the list of committees mentioned by the author, one notices the omission of an important financial committee, namely, the Committee on Public Undertakings.

Set up under Rule 312(A) of the Rules of Procedure and Conduct of Business in the Lok Sabha, the Committee examines reports and accounts of public undertakings as specified in the fourth schedule of the Rules of Procedure and also examines, in the context, of the autonomy and efficiency of the public undertakings, whether the affairs of the public undertakings are being managed in accordance with sound business principles and prudent commercial practices. Set up in 1964, the Committee has already submitted several useful reports to the Lok Sabha, it is hoped that when the next edition of the book is published, the omission will be rectified.

The third part of the book, which is devoted to the study of democracy in India, contains a useful account of the functioning of political parties in India and an analysis of the four General Elections conducted since 1952.

On the whole, the book will be of use to research scholars who are interested in the study of the Indian Constitution.

—B. K. MUKHERJEE

The sovereignty of the State is a reality and not merely a theory if the community believes that all persons are bound by any and all decisions reached through the political process, irrespective of other loyalties and obligations.

ERNST B. SCHULTZ.

RECENT LITERATURE OF PARLIAMENTARY INTEREST

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APPENDICES

APPENDIX I

Statement showing the activities of the Houses of Parliament/State Legislatures during the period 1st January to 30th June, 1968.

Session held	Legislation		Questions						Committees that met.		
			Starred		Unstarred		Short Notice				
	Govt. Bills Passed	Pvt. Members Bill Passed	Recd.	Admdt.	Recd.	Admtd.	Recd.	Admtd.	Names	Sittings held	No. of Reports presented
1	2	3	4	5	6	7	8	9	10	11	12
					Lok Sabha						
One Session: Fourth Session from 12th February to 10th May, 1968.	28	Nil	28,491	1,888*	1,701	10,117**	1,908	35	Business Advisory Committee.	9	6
									Committee on Government Assurances.	9	1
									Committee on private Members. Bills and Resolutions.	13	13
									Estimates Committee	19	38
									Public Accounts Committee.	20	19
									Committee on Public Undertakings.	33	15
									Joint Committee on Salaries and Allowances of Members of Parliament.	1	

*Includes 93 Short Notice Questions admitted as Starred Questions.

**Includes 9,167 Starred and 39 Short Notice Questions admitted as Unstarred Questions.

1	2	3	4	5	6	7	8	9	10	11	12
									Ad-hoc		
									Joint Committee on Salary, Allowances and other Amenities to Members of Parliament.	1	1
									Committee on Privileges.	2	..
									Committee on Absence of Members from the sittings of the House.	3	3
									Committee on Petitions.	14	1
									Committee on Subordinate Legislation.	3	1
									House Committee	2	
									Accommodaion Sub-Committee	1	
									Joint Committee of the Chairman, House Committee of the two Houses of Parliament.	3	
									Library Committee		
									Library Sub-Committee.	5	
									Rules Committee	1	..
									Joint Committee on Offices of Pro-Profit.	5	2

									General Purposes Committee.		
						Rajya Sabha					
Two Sessions	32	Nil	4,535	1,066	288	1,492*	119	11	Business Advisory Committee	3	
(i) 63rd Session from 12th Feb. 1968 to the 28th March 1968 (33 sittings).									House Committee.	3	
									Committee of Privileges.	..	
(ii) 69th Session from 29th April 1968 to the 13th May, 1968 (12 Sittings)									Committee on Petitions.	9	1
									Committee on Subordinate Legislation.	2	1
									Ad-hoc Committees.		
									Joint Committee on Central Industrial Security Force Bill 1968.	3	1
									Joint Committee on the Monopolies and Restrictive Trade Practices Bill, 1967.	9	
									Joint Committee on the Dehi Rent Control (Amendment) Bill, 1964.	5	
									Joint Committee on the Motor Vehicles (Amendment) Bill, 1965.	1	
						Andhra Pradesh Legislative Assembly					
One Session (i From 12th February 1968 to	9	Nil	1,702	681	48	288†	445**	65	(1) Estimates Committee.	22	1

*Includes 1,249 Starred Questions and one Short Notice Question admitted as Unstarred Questions.
†Includes Starred Notices admitted as Unstarred.
**103 Short Notice Questions were admitted as Starred Questions.

1	2	3	4	5	6	7	8	9	10	11	12
27th March, 1968 (33 days); and (ii) From 24th June, 1968 to 29th June, 1968 (5 days).									(2) Committee on Subordinate Legislation.	9	1
									(3) Committee on Government Assurances.	4	1
									(4) Public Accounts Committee.	20	1
									(5) Committee of Privileges.	4	2
				Andhra Pradesh Legislative Council							
One Session (14 days)	5	Nil	181	93	Nil	Nil	27	8	Comitee on Government Assurances.	3	Nil
				Assam Legislative Assembly							
One Session from 20th Feb. to 6th April, 1968 (32 Sittings)	17	Nil	806	750	612	550	21	12	Public Accounts Committee.	17	3
									Estimates Committee	10	1
									Committee on Govt. Assurances.	5	1
									Privileges Committee	3	1
									Committee on Petitions.	4	Nil
									Committee on Subordinate Legislation.	3	Nil
				Bihar Legislative Assembly							
Three Sessions:											
(i) 18th January to 25th January, 1968 (6 days)	3		4214	3177	303		689	575	Business Advisory Committee	4	1

(ii) 13th March to 29th March, 1968 (6 days)									Estimates Committee and its Sub-Committees.	15	5
(iii) 15th May to 25th June, 1968 (25 days)									House Commitee	1	..
									Public Accounts Committee.	4	5
									Rules Committee	2	..
									Committee of Privileges.	7	..
					Bihar Legislative Council						
Three Sessions (i) 38th Session from 18th January to 1st Feb. 1968 (8 days)	*	Nil	1404	1190	Nil	53**	32	28	(1) Public Accounts Committee.	4	..
(ii) 39th Session from 13th March to 2nd April 1968 (8 days)									(2) Committee on Public Undertakings.	12	..
(iii) 40th Session from 15th May to 26th June 1968 (23 days)									(3) House Committee.	8	
									(4) Committee on Government Assurances.	7	..
									(5) Committee on Subordinate Legislation.	11	..
									(6) Committee on Petitions.	6	..
									(7) Business Advisory Committee.	11	8
									(8) Committee of Privileges.	3	..
									(9) Library Committee.	3	

*No Bill introduced in the Council was passed. Three Bills transmitted by the Assembly were however passed.

**Includes Starred Notices admitted as Unstarred.

1	2	3	4	5	6	7	8	9	10	11	12
									(10) Rules Committee.	..	..
									(11) Committee on Private Members Bills and Resolutions.	3	3
					Gujarat Legislative Assembly						
One Session from 22nd Jan. to 30th March, 1968 (Sittings 49)	14	Nil	4,546	1,225	Nil	827*	596	112	Business Advisory Committee.	5	5
									Committee on Privvate Members' busi-business.	3	3
									Committee on Government Assurances.	1	1
									Public Accounts committee.	6	1
									Petitions Committee	1	2
									Committee on Absence Members.	1	1
									Members Accomodations Committee.	1	..
									Estimates Committee	8	4
									Privileges Committee	8	1
					Jammu and Kashmir Legislative Council						
One Session from 4th March, 1968 to 12th April, 1968 (19 Sittings)	15	Nil	370	326	56	52	Nil	Nil.	(1) Committee on Suboridinate Legislation.	2	..
									(2) Committee on Government Assurances.	2	1
									(3) Rules Committee		

										(4) Committee on Privileges.	..	..
										(5) Library Committee.		..
										(6) House Committee	..	..
										(7) General Purposes Committee.	..	..
						Kerala Legislative Assembly						
One Session From the 12th January to 22nd January 1968; and from the 16th February to the 28th March 1968. (31 days).	16	Nil	*	*	*	†	57	23		Committee on Private Members Bills and Resolutions.	3	3
										Committee on Petitions.	1	1
										Committee on Government Assurances.	1	1
										Committee on Subordinate Legislation.	4	2
										Public Accounts Committee	13	2
										Estimates Committee	15	2
						Madhya Pradesh Legislative Assembly						
One Session . . . . . From 19th February, 1968 to 1st April, 1968 (25 Sittings)	17	Nil	2,139	1,182	716	484	18	1		(1) Business Advisory Committee.	2	2
										(2) Committee on Private Members Bills and Resolutions.	4	4
										(3) Committee on Petitions.	3	1
										(4) Committee on Delegated Legislation.	10	1

*Notices were received as Starred but admitted as Unstarred.

†Out of 4109 Questions received from the members 4037 were admitted. Of these, answers were orally given or laid on the table for 3753 Questions.

1	2	3	4	5	6	7	8	9	10	11	12
									(5) Committee on Government Assurances.	7	
									(6) Committee on Public Accounts	9	1
									(7) Committee on Estimates.	5	1
									(8) Committee on Privileges.	5	1
									(9) House Committee	1	
									(10) Library Committee.	1	
									(11) Rules Committee.	1	
			Madras Legislative Assembly								
Two Sessions :	*8	Nil	5778	3434	335	335	381	2	Committee on Estimates.	17	3
(i) Second Session Second meeting on 23rd Jan. 1968. (one day).									Committee on Public Accounts.	7	1
(ii) Third Session first meeting 12th to 20th Feb. 1968. (8 days).									Committee on Government Assurances.	11	1
Second meeting—28th Feb. to 30th March 1968. (26 days).									Committee on Subordinate Legislation.	4	1
									House Committee		
									Committee on Rules	2	2
									Committee on Privileges.	7	2

Madras Legislative Council

One Session 31st Session from 10th February to 1st April, 1968. (23 days.)	** Nil	2797	2193	493	493	18	18	(1) Business Advisory Committee.	4	
								(2) Committee on Government Assurances.	2	

Maharashtra Legislative Assembly

One Session from 7th February to 12th April. 1968 (43 sittings)	15 Nil	3576	2567	417	402	338	182	(1) Estimates Committee.	29†	3
								(2) Public Accounts Committee.	19	4
								(3) Public Undertakings Committee.	13	1
								(4) Privileges Committee.	7	1
								(5) Committee on Government Assurances.	10	2
								(6) Rules Committee	Nil	Nil
								(7) Library Committee.	Nil	Nil
								(8) Accomodation—Committee.	3	Nil
								(9) Catering Committee.	4	Nil
								(10) Subordinate Legislation Committee.	5	1
								(11) Business Advisory Committee.	9	Nil

*Includes a Bill introduced in previous meeting.

** 8 Bills transmitted by the Assembly for concurrence or recommendations as the case might be.

†Including a sitting of the Study Group.

1	2	3	4	5	6	7	8	9	10	11	12
									(12) Committee on Private Members Bills and Resolutions.	9	9
									(13) Joint Committee on L.A. Bill No. II of 1968— The Maharashtra State Legislature Proceedings (Protection of Publication) Bill 1968.	4	Nil
									(14) Joint Committee on Salaries and Allowances of Members.	1	Nil
									(15) Committee on leave of Absence of Members from the sittings of the House.	2	2
									(16) Committee on Petitions.	Nil	Nil
					Maharashtra Legislative Council						
One Session from 7th Feb. to 12th April, 1968 (33 Sittings) .	*16	Nil	587	443	Nil	**48	33	20	(1) Privileges Committee.	Nil	Nil
									(2) Committee on Government Assurances.	8	2
									(3) Rules Committee	Nil	Nil
									(4) Business Advisory Committee.	7	7
									(5) Committee on Private Members' Bills and Resolutions.	7	7

									(6) Committee on Leave of Absence of Members from the sittings of the House.	1	- 1
									(7) Committee on Petitions.	Nil	Nil
					Mysore Legislative Assembly						
One Session from 19th February to 17th April, 1968. (41 Sittings).	3	Nil	1205	1181	79	68	166	90	(1) Committee on Private Members' Bills and Resolutions.	1	1
									(2) Joint Select Committee on the Mysore Agricultural Pests and Diseases Bill.	1	1
									(3) Estimates Committee.	18	1
									(4) Business Advisory Committee.	1	1
									(5) Committee on Subordinate Legislation.	15	1
									(6) Business Advisor Committee.	2	2
									(7) Committee on Government Assurances.	6	1
									(8) Committee on Public Accounts.	16	1
					Mysore Legislative Council						
One Session from 19th February to 20th March, 1968 and 13th	3		212	205	39	39	23	16	(1) Joint Select Committee on the	1	1

*This includes 15 Bills passed by Assembly and transmitted to Council.

**These were received as Starred but were admitted as Unstarred.

1	2	3	4	5	6	7	8	9	10	11	12
April to 17th April, 1968 (29 Sittings).									Mysore Agricultural Pests and Diseases Bill, 1967.		
									(2) Committee on Subordinate Legislation.	15	1
									(3) Committee on Government Assurances.	4	1
									(4) Committee on Public Accounts.	16	1
				Nagaland Legislative Assembly							
One Session from 16th March to 30th March, 1968 (11 Sittings)	5		91	84	49	43	2	2	Privileges Committee	2	1
									Estimates Committee	2	2
				Orissa Legislative Assembly							
Two Sessions :	13	Nil	3848	2446	863	842	542	92	(1) Public Accounts Committee.	27	2
(i) Fourth Session—32 Sittings.									(2) Committee on Estimates.	13	1
(ii) Fifth Session—4 sittings.									(3) Committee on Privileges.	1	1
									(4) Committee on Subordinate Legislative.	3	1

									(5) Committee on Petitions.	4	Nil.
									(6) Committee on Govt. Assurances.	7	Nil.
									(7) Committee on Public Undertakings.	11	Nil.
					Punjab Legislative Assembly						
Three Sessions :	12	Nil.	469	354	53	38	7	4	(1) Public Accounts Committee.	13	1
(i) Budget Session from 22nd February to 7th March, 1968 (9 Sittings excluding the Joint-Sitting on 22-2-68).									(2) Committee on Estimates.	10	1
ii) Budget Session held on 18th March, 1968 (One Sitting).									(3) Committee on Government Assurances.	13	1
(iii) Summer Session from 20th to 22nd May, 1968 (3 Sittings)									(4) Committee on Subordinate Legislation.	3	
									(5) Committee on Privileges.	7	2
									(6) Business Advisory Committee.	4	3
									(7) House Committee.	2	
									(8) Library Committee	5	
									(9) Rules Committee	5	
					Punjab Legislative Council						
Two Sessions :											
(i) From 22nd February, 1968 to 20th March, 1968 (13 Sittings including the Joint Sitting on 22-2-68)	9	Nil	762	672	20	21†	20	4	(1) Business Advisory Committee.	5	Nil
(ii) From 22nd May, 1968 to 23rd May, 1968 (2 Sittings)									(2) *Ad hoc* Committee to revise Code of Conduct for Members.	1	Nil

*The Fifth Session Commenced on the 24th June, 1968 and adjourned *sine die* on the 5th July, 1968 having a total number of 9 sittings

†Two Starred questions were admitted as Unstarred questions.

1	2	3	4	5	6	7	8	9	10	11	12
									(3) Rules Committee	7*	1
									(4) Committee on Privileges.	4	2
									(5) Committee on Subordinate Legislation	9	1
									(6) Committee on Govt. Assurances.	20**	1
									(7) Committee on petitions.	2	Nil.
									(8) Committee on Public Undertakings.	19	1
									(9) House Committee.	3	Nil.
									(10) Library Committee.	†8	Nil.
West Bengal Legislative Council											
One Session from 14th February, 1968 to 20th February, 1968 ‡ (Two Sittings)	Nil	Nil	3	3	Nil	Nil	Nil	Nil	Nil	Nil	Nil.
West Bengal Legislative Assembly											
One Session : duration six days. Actual number of sittings held one day.	Nil	Nil	4	£	4	£	Nil	Nil	(1) Committee on Public Accounts.	3	Nil.
Goa, Daman and Diu Legislative Assembly											
One Session (24 Sittings) .	5	Nil	690	541§	8	8	7	4	(1) Public Accounts Committee.	9	..
									(2) Estimates Committee.	10	..
									(3) Committee on Govt. Assurances.	2	

									(4) Privileges Committee	1	...
									(5) Committee on Delegated Legislation.	1	
					Himachal Pradesh Legislative Assembly						
Two Sessions:	14	Nil	1380	1153	237	217	12	7	(1) Public Accounts Committee.	13	1
(i) From 12th January, 1968 to 29th January 1968 (11 Sittings); and (ii) from 4th March, 1968 to 4th April, 1968 (23 Sittings)									(2) Committee on Govt. Assurances.	12	1
									(3) Committee on Privileges.	5	
									(4) Rules Committee	3	1
									(5) Committee on Estimates.	20	3
									(6) Committee on Delegate Legislation.	10	1
					Manipur Legislative Assembly						
One Session from 5th March to 4th April, 1968 (19 Sittings).	3	Nil	77	76	3	3	3	2	Business Advisory Committee.	1	1
									Estimates Committee	45	Nil
									Public Accounts Committee	19	Nil
									Committee on Petitions	3	Nil
									Rules Committee	1	Nil
									Privileges Committee.	2	Nil

* Including five meetings of the Sub-Committee.

** Including seven meetings of the Sub-Committee.

† Including one meeting of the Sub-Committee.

‡ The Council was adjourned *Sine die* on 20th February, 1968 and was not formally prorogued.

£ The notices were under consideration and lapsed on dissolution.

§ One Short Notice Question was admitted as Starred.

1	2	3	4	5	6	7	8	9	10	11	12
					Pondicherry Legislative Assembly						
One Session from 19th March to 8th April 1968 (16 Sittings)	9	Nil	11	11	5	5	Nil	Nil	Business Advisory Committee	2	2
									Committee on Public Accounts	12	
									Committee on Estimates	42	5
									Committee on Govt. Assurances	3	1
									Committee on Petitions		..
									Committee on Delegated Legislation	3	1
									Rules Committee	..	..
									Committee on Privileges	3	1
					Tripura Legislative Assembly						
One Session from 11th March to 5th April, 1968 (18 Sittings)	3	Nil	339	329	60	55	10	4	(1) Rules Committee	3	1
									(2) Committee on Privileges	2	..
									(3) Committee on Estimates	16	1
									(4) Committee on Petitions		
									(5) Committee on Public Accounts	15	
									(6) Business Advisory Committee	1	1

(7) Committee on Absence of Members from the Sittings of the House	2	1
(8) Committee on Delegated Legislation	2	..

APPENDIX II

List of Bills passed by the Houses of Parliament and assented to by the President during the period 1st January to 30th June, 1968.

Sl. No.	Title of the Bill	Date of assent by the President
1	2	3
1	The Official Languages (Amendment) Bill, 1967	8-1-1968
2	The Delhi Municipal Corporation (Amendment) Bill, 1968	23-3-1968
3	The Jammu and Kashmir Representation of the People (Supplementary) Bill, 1968	23-3-1968
4	The Appropriation Bill, 1968	25-3-1968
5	The Appropriation (Vote on Account) Bill, 1968	25-3-1968
6	The West Bengal State Legislature (Delegation of Powers) Bill, 1968	25-3-1968
7	The Uttar Pradesh State Legislature (Delegation of Powers) Bill, 1968	27-3-1968
8	The Appropriation (Railways) Bill, 1968	27-3-1968
9	The Appropriation (Railways) No. 2 Bill, 1968	27-3-1968
10	The Armed Forces (Special Powers) Continuance Bill, 1968	27-3-1968
11	The Haryana Appropriation Bill, 1968	28-3-1968
12	The Haryana Appropriation (Vote on Account) Bill, 1968	28-3-1968
13	The West Bengal Appropriation Bill, 1968	28-3-1968
14	The West Bengal Appropriation (Vote on Account) Bill, 1968	28-3-1968
15	The Uttar Pradesh Appropriation Bill, 1968	29-3-1968
16	The Uttar Pradesh Appropriation (Vote on Account) Bill, 1968	29-3-1968
17	The Displaced Persons (Compensation and Rehabilitation) Amendment Bill, 1968	3-4-1968
18	The Appropriation (No. 2) Bill, 1968	10-5-1968
19	The Finance Bill, 1968	11-5-1968
20	The Uttar Pradesh Appropriation (No. 2) Bill, 1968	13-5-1968
21	The West Bengal Appropriation (No. 2) Bill, 1968	13-5-1968

1	2	3
22	The Estate Duty (Amendment) Bill, 1968 . .	13-5-1968
23	The Public Provident Fund Bill, 1968	16-5-1968
24	The Bihar and Uttar Pradesh (Alteration of Boundaries) Bill, 1968	22-5-1968
25	The Central Laws (Extension to Jammu and Kashmir) Bill, 1968	24-5-1968
26	The Pondicherry (Extension of Laws) Bill, 1968 .	24-5-1968
27	The Civil Defence Bill, 1968 .	24-5-1968

APPENDIX III

Subject-wise List of Bills passed by the State Legislatures during the period 1st January to 30th June, 1968.

ADMINISTRATION

ANDHRA PRADESH

(1) The Andhra Pradesh Municipalities (Postponement of Elections) Amendment Bill, 1968.

(2) The Andhra Pradesh Civil Services (Disciplinary Proceedings) Tribunal (Amendment) Bill, 1968.

ASSAM

(1) The Assam Autonomous District Administration of Justice (Amendment) Bill, 1968.

(2) The Assam Maintenance of Public Order (Autonomous Districts) (Amendment) Bill. 1968.

(3) The Indian Stamp (Assam Amendment) Bill, 1968.

BIHAR

Bihar District Boards and Local Board (Control and Management) (Amendment) Bill, 1968.

GUJARAT

(1) The Bombay Town Planning (Gujarat Extension and Amendment) Bill, 1967.

(2) The Bombay Weights and Measures (Enforcement) (Gujarat Amendment) Bill, 1967.

(3) The Gujarat Panchayats (Amendment) Bill, 1967.

(4) The Gujarat Municipalities (Amendment) Bill, 1968.

(5) The Bombay Provincial Municipal Corporations (Gujarat Amendment) Bill, 1968.

JAMMU AND KASHMIR

(1) Bill to amend the Jammu and Kashmir Public Security Act, 2003 (Samvat).

(2) Bill to amend the Registration Act, Samvat 1977.

(3) Bill to amend the Jammu and Kashmir Code of Civil Procedure, Samvat 1977.

(4) Bill to amend the Jammu and Kashmir Natural Calamities Destroyed Areas Improvement Act, 2011.

(5) Bill further to amend the Jammu and Kashmir Village Panchayat Act, 1958 and to validate the Continuance of the Panchayats.

KERALA

(1) The Kerala Municipal Laws (Amendment) Bill, 1968.

(2) The Indian Registration (Kerala Amendment) Bill, 1968.

MADHYA PRADESH

(1) Madhya Pradesh Public Safety (Amendment) Bill, 1968.

(2) Jails (Madhya Pradesh Amendment) Bill, 1967.

(3) Madhya Pradesh Borstal (Amendment) Bill, 1967.

(4) Madhya Pradesh Local Autho-

rities (Election Offences) Amendment Bill, 1967.

MADRAS

The Madras City Municipal Corporation District Municipalities and Panchayats (Amendment) Bill, 1968.

MAHARASHTRA

(1) The Bombay Municipal Corporation (Temporary Amendment) (Extension of Duration) Bill, 1968.

(2) The Maharashtra Municipalities (Amendment) Bill, 1968.

(3) The Maharashtra Zilla Parishads and Panchayat Samities (Amendment) Bill, 1968.

(4) The Bombay Village Panchayats (Amendment) Bill, 1968.

NAGALAND

The Tuensang District (Assistance of Laws on State Subject) Bill, 1968.

ORISSA

The Orissa Municipal (Amendment) Bill, 1968.

PUNJAB

(1) The Punjab Gram Panchayat (Amendment) Bill, 1967.

(2) The Punjab Panchayat Samities and Zila Parishads (Amendment) Bill, 1967.

RAJASTHAN

The Rajasthan Armed Constabulary (Amendment) Bill, 1968.

GOA, DAMAN AND DIU

(1) The Daman (Abolition of Proprietorship of Villages) Regulation (Amendment) Bill, 1968.

(2) The Goa, Daman and Diu Municipalities Bill, 1968.

HIMACHAL PRADESH

The Himachal Pradesh Transferred Territory Tenants (Protection of Rights) Bill, 1968.

PONDICHERRY

(1) The Police (Pondicherry Amendment) Bill, 1968.

(2) The Pondicherry Municipal Decree (Amendment) Bill, 1968.

EDUCATION

GUJARAT

The Gujarat Ayurved University (Amendment) Bill, 1968.

MAHARASHTRA

The Mahatama Phule Vastu Sangrahalaya, Poona, Bill, 1968.

ORISSA

(1) The Orissa University Authorities (Validation and Term of Office) Bill, 1968.

(2) The Orissa Secondary Education (Amendment) Bill, 1968.

(3) The Orissa Secondary Education (Second Amendment) Bill, 1968.

RAJASTHAN

The Udaipur University (Amendment) Bill, 1968.

HIMACHAL PRADESH

The Himachal Pradesh Board of School Education Bill, 1968.

FINANCE

Andhra Pradesh

(1) The Andhra Pradesh General Sales Tax Bill, 1968.

(2) The Andhra Pradesh Appropriation Bill, 1968.

(3) The Andhra Pradesh Appropriation (No. 2) Bill, 1968.

(4) The Andhra Pradesh Appropriation (No. 3) Bill, 1968.

Assam

(1) The Assam Appropriation (No. I) Bill, 1968.

(2) The Assam Appropriation (No. II) Bill, 1968.

(3) The Assam Contingency Fund (Augmentation of Corpur.) Bill, 1968.

(4) The Assam Appropriation (No. III) Bill, 1968.

(5) The Assam Finance Bill 1968.

(6) The Assam Appropriation (No. IV) Bill, 1968.

(7) The Assam Sales Tax (Amendment) Bill, 1968.

(8) The Assam Amusements and Betting Tax (Amendment) Bill, 1968.

(9) The Assam Purchase Tax (Amendment) Bill, 1968.

(10) The Assam Agricultural Income Tax (Amendment) Bill, 1968.

(11) The Assam (Sales of Petroleum and Petroleum products including Motor Spirit and Lubricants) Taxation (Amendment) Bill, 1968.

(12) The Assam Finance (Sales Tax) (Amendment) Bill, 1968.

Bihar

(1) Bihar Appropriation (Vote on Account) Bill, 1968.

(2) Bihar Appropriation Bill, 1968.

Gujarat

(1) The Gujarat Local Fund Audit (Amendment) Bill, 1968.

(2) The Gujarat Appropriation (Excess Expenditure) Bill, 1968.

(3) The Gujarat (Supplementary) Appropriation Bill, 1968.

(4) The Gujarat Appropriation Bill, 1968.

Jammu and Kashmir

(1) Bill further to amend the Jammu and Kashmir Motor Spirit and Diesel Oil (Taxation of Sales) Act, Samvat 2005.

(2) The Jammu and Kashmir Appropriation Bill, 1968.

(3) The Jammu and Kashmir Appropriation Bill (No. 2) 1968.

(4) Bill further to amend the Jammu and Kashmir Deputy Ministers Salaries and Allowances Act, 1957.

(5) Bill further to amend the Jammu and Kashmir Motor Vehicles Taxation Act, 1957.

Kerala

(1) The Kerala General Sales Tax (Amendment) Bill, 1968.

(2) The Kerala Appropriation Bill, 1968.

(3) The Payment of Salaries and Allowances (Amendment) Bill, 1968.

(4) The Kerala Surcharge on Taxes (Amendment) Bill, 1968.

(5) The Kerala Appropriation (No. 2) Bill, 1968.

(6) The Kerala Revenue Recovery Bill, 1967.

(7) The Kerala Cattle Trespass (Amendment) Bill, 1968.

(8) The Kerala Appropriation (No. 3) Bill, 1968.

MADHYA PRADESH

(1) Madhya Pradesh Urban Immovable Property Tax (Amendment) Bill, 1967.

(2) Madhya Pradesh Motor Vehicles Taxation (Amendment) Bill, 1968.

(3) Madhya Pradesh Sales Tax (Amendment) Bill, 1968.

(4) Madhya Pradesh Appdopriation Bill, 1968.

(5) Madhya Pradesh Appropriation (No. 2) Bill, 1968.

MADRAS

(1) The Madras General Sales Tax (Amendment) Bill, 1968.

(2) The Madras General Sales Tax (Second Amendment) Bill, 1968.

(3) The Madras Appropriation Bill, 1968.

(4) The Madras Appropriation (No. 2) Bill, 1968.

(5) The Madras Appropriation (No. 3) Bill, 1968.

(6) The Madras Agricultural Income Tax (Amendment) Bill, 1968.

MAHARASHTRA

(1) The Maharashtra Appropriation Bill, 1968.

(2) The Maharashtra (Supplementary) Appropriation Bill, 1968.

(3) The Maharashtra (Second Supplementary) Appropriation Bill, 1968.

MYSORE

(1) The Mysore Appropriation (Vote on Account) Bill, 1968.

(2) The Mysore Appropriation Bill, 1968.

(3) The Mysore Appropriation (No. 2) Bill, 1968.

NAGALAND

(1) The Nagaland Appropriation Bill (No. 1), 1968.

(2) The Nagaland Appropriation Bill (No. 2), 1968.

(3) The Nagaland Trades, Calling and Employment Taxation Bill, 1968.

ORISSA

(1) The Orissa Appropriation Bill, 1968.

(2) The Orissa Appropriation (No. 2) Bill, 1968.

(3) The Orissa Taxation (On Goods carried by Roads or Inland Water Ways) Bill, 1968.

(4) The Orissa Sales Tax (Amendment) Bill, 1968.

(5) The Orissa Appropriation (No. 3) Bill, 1968.

PUNJAB

(1) The Punjab Appropriation Bill, 1968.

(2) The Punjab Appropriation (No. 2) Bill, 1968.

RAJASTHAN

(1) The Rajasthan Sales Tax (Amendment and Validation) Bill, 1968.

(2) The Rajasthan Ministers' Salaries (Amendment) Bill, 1968.

(3) The Rajasthan Appropriation (No. 1) Bill, 1969.

(4) The Rajasthan Appropriation (No. 2) Bill, 1968.

(5) The Rajasthan Appropriation (No. 3) Bill, 1968.

(6) The Rajasthan Sales Tax (Second Amendment) Bill, 1968.

(7) The Rajasthan Urban Land Tax (Second Amendment) Bill, 1968.

GOA, DAMAN AND DIU

(1) The Goa, Daman and Diu Supplementary Appropriation Bill, 1968.

(2) The Goa, Daman and Diu Appropriation (Vote on Account) Bill, 1968.

(3) The Goa, Daman and Diu Appropriation Bill, 1968.

(4) The Goa, Daman and Diu Entertainment Tax (Amendment) Bill, 1967.

HIMACHAL PRADESH

(1) The Himachal Pradesh Passenger and Goods Taxation (Amendment and Extension) Bill, 1968.

(2) The Himachal Pradesh Motor Spirit (Taxation of Sales) Bill, 1968.

(3) The Himachal Pradesh Entertainment Duty Bill, 1968.

(4) The Himachal Pradesh Entertainment (Cinematograph Show) Bill, 1968.

(5) The Himachal Pradesh Appropriation Bill, 1968. (No. 8 of 1968).

(6) The Himachal Pradesh Appropriation Bill, 1968 (No. 10 of 1968).

(7) The Himachal Pradesh Appropriation (Vote on Account) Bill, 1968.

(8) The Himachal Pradesh Appropriation (Excess Expenditure) Bill, 1968.

(9) The Himachal Pradesh Appropriation Bill, 1968. (No. 15 of 1968).

MANIPUR

(1) The Manipur Appropriation (No. 1) Bill, 1968.

(2) The Manipur Appropriation (Vote on Accounts) Bill, 1968.

(3) The Manipur Appropriation (No. 2) Bill, 1968.

PONDICHERRY

(1) The Appropriation (No. I) Bill, 1968.

(2) The Appropriation (No. II) Bill, 1968.

(3) The Appropriation (Vote on Account) Bill, 1968.

(4) The Appropriation (No. III) Bill, 1968.

TRIPURA

(1) The Appropriation (Vote on Account) Bill, 1968.

(2) The Appropriation (No. 2) Bill, 1968.

(3) The Appropriation (No. 3) Bill, 1968.

HEALTH AND HOUSING

ANDHRA PRADESH

The Andhra Pradesh Medical Practitioners Registration Bill, 1968.

ASSAM

(1) The Assam Urban Areas Rent Control (Amendment) Bill, 1968.

(2) The Assam Non-Agricultural Urban Areas Tenancy (Amendment) Bill, 1968.

GUJARAT

The Gujarat Medical Council Bill, 1967.

JAMMU AND KASHMIR

Bill to amend the Jammu and Kashmir Public Premises (Eviction of Unauthorised Occupants) Act, 1959.

KERALA

The Requisitioning and Acquisition of Property (Amendment) Bill, 1968.

ORISSA

The Orissa Housing Board Bill, 1968.

RAJASTHAN

The Rajasthan Tenancy (Amendment) Bill, 1968.

HIMACHAL PRADESH

The Himachal Pradesh Urban Immovable Property Tax Bill, 1968.

INDUSTRIAL DEVELOPMENT

GUJARAT

The Gujarat Industrial Development (Amendment) Bill, 1968.

RAJASTHAN

The Rajasthan Khadi and Village Industries Board (Amendment) Bill, 1968.

LABOUR

MADHYA PRADESH

Trade Unions (M.P. Amendment) Bill, 1967.

LAND AND AGRICULTURE

ANDHRA PRADESH

The Andhra Pradesh Land Encroachment (Amendment) Bill, 1968.

GUJARAT

The Gujarat Agricultural Lands Ceiling (Amendment) Bill, 1968.

KERALA

The Madras Preservation of Private Forests (Amendment) Bill, 1968.

MADHYA PRADESH

(1) Madhya Pradesh Insecticides and Pesticides (Amendment) Bill, 1968.

(2) Madhya Pradesh Bhoodan Yajna Bill, 1967.

(3) Madhya Pradesh Irrigation (Amendment) Bill, 1968.

MAHARASHTRA

(1) The Bombay Land Requisition (Amendment) Bill, 1968.

(2) The Bombay Queen Victoria Statue Site (and adjoining land utilisation for construction of Satellite Tele-communications Exchanges of the Overseas Communications Service) Bill, 1968.

(3) The Maharashtra Agricultural Lands (Ceiling on Holdings) (Amendment) Bill, 1968.

ORISSA

(1) The Orissa Preservation of Private Forests (Amendment) Bill, 1968.

(2) The Orissa Irrigation (Amendment) Bill, 1968.

PUNJAB

(1) The Punjab Security of Land Tenures (Amendment) Bill, 1967.

(2) The Pepsu Tenancy and Agricultural Lands (Amendment) Bill, 1967.

(3) The Northern India Canal and Drainage (Punjab Amendment) Bill, 1967.

PONDICHERRY

The Mahe Land Reforms Bill, 1968.

LEGAL

KERALA

The Kerala Re-enacting Bill, 1968.

MAHARASHTRA

(1) The Societies Registration (Maharashtra Amendment) Bill, 1968.

(2) The Bombay City Civil Court (Amendment) Bill, 1968.

PUNJAB

The Punjab Courts (Amendment) Bill, 1967.

HIMACHAL PRADESH

The Himachal Pradesh Court Fee Bill, 1968.

PARLIAMENTARY AFFAIRS

KERALA

The Legislative Assembly (Removal of Disqualifications) Amendment Bill, 1968.

MADHYA PRADESH

Madhya Pradesh Legislators' Salaries and Allowances (Repeal) Bill, 1967.

PUNJAB

(1) The Punjab Legislative Assembly (Allowances of Members) (M.P. Amendment) Bill, 1968.

(2) The Punjab Legislative Council (Allowances of Members) Amendment Bill, 1968.

RAJASTHAN

The Rajasthan Legislative Assembly (Officers and Members Emoluments) (Amendment) Bill, 1968.

HIMACHAL PRADESH

The Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) (Amendment) Bill, 1968.

RELIGIOUS AND CHARITABLE

KERALA

The Madras Hindu Religious and Charitable Endowments (Amendment) Bill, 1968.

MADHYA PRADESH

Madhya Bharat Singharth Mela (M.P. Amendment)) Bill, 1968.

ORISSA

Shri Jagannath Temple (Amendment) Bill, 1968.

PONDICHERRY

The Pondicherry Prevention of Cow Slaughter Bill, 1968.

SOCIAL

ANDHRA PRADESH

The Andhra Pradesh (Andhra Area) Prohibition (Amendment Bill, 1968.

TRANSPORT AND COMMUNICATIONS

GUJARAT

The Bombay Landing and Wharfage Fees (Gujarat Amendment) Bill, 1967.

KERALA

The Motor Vehicles (Kerala Amendment) Bill, 1968.

PONDICHERRY

The Pondicherry (Application of Motor Vehicles Act) Order (Amendment) Bill, 1968.

MISCELLANEOUS

JAMMU AND KASHMIR

Bill to amend the Jammu and Kashmir Water Supply Act, 1963.

MADHYA PRADESH

Madhya Pradesh Co-operative Societies (Amendment) Bill, 1968.

MADRAS

The Madras Inams (Supplementary) Amendment Bill, 1968.

MAHARASHTRA

(1) The Bombay Money-Lenders (Amendment) Bill, 1968.

(2) The Bombay Rents, Hotel and Lodging House Rates (Amendment and Validating Provisions) Bill, 1968.

NAGALAND

The Nagaland Weights and Measures (Enforcement) Bill, 1968.

PUNJAB

(1) The Punjab Cattle Fairs (Regulation) Amendment Bill, 1968.

(2) The Punjab Ice Price Control Bill, 1968.

APPENDIX IV

Ordinances issued during the period 1st January to 30th June, 1968

Sl. No.	Subject	Date of Promulgation	Date on which laid before the Houses	Date of cessation	Remarks
1	2	3	4	5	6
		UNION			
1	The Delhi Municipal Corporation Ordinance, 1968.	3-2-68	13-2-68		Replaced by Legislation.
2	The Jammu and Kashmir Representation of the People Ordinance, 1968.	9-2-68	13-2-68		Do.
3	The Advocates Ordinance, 1968 .	5-6-68	22-7-68		Do.
4	The Requisitioning and Acquisition of Immovable Property Ordinance, 1968.	17-6-68	22-7-68		Do.
5	The Public Premises Ordinance, 1968.	17-6-68	22-7-68	..	Do.
6	The Gold Control Ordinance, 1968 .	29-6-68	22-7-68		Do.
		ASSAM			
	The Assam Maintenance of Public Order (Autonomous Districts) (Amendment) Ordinance, 1968.	6-1-68	22-3-68	6-4-68	Replaced by Legislation.
		BIHAR			
1	Bihar Motor Vehicles Taxation (Amendment) Ordinance, 1968.	12-1-68	18-1-68	29-2-68	
2	Bihar Co-operative Societies (Amendment) Ordinance, 1968.	12-1-68	18-1-68	29-2-68	
3	Bihar Sugarcane (Regulation of Supply and Purchase) Ordinance, 1968.	12-1-68	18-1-68	29-2-68	
4	Bihar Gifts (Sale, Purchase and Unlawful Occupation) Ordinance, 1968.	23-2-68	13-3-68	24-4-68	
5	Bihar Co-operative Society (Second Amendment) Ordinance, 1968.	28-2-68	13-3-68	24-4-68	

1	2	3	4	5	6
6	Bihar Sugarcane (Regulation of Supply and Purchase) (Second Amendment) Ordinance, 1968.	28-2-68	13-3-68	24-4-68	
7	Bihar University Law (Amendment) Repeal Ordinance, 1968.	28-2-68	13-3-68	24-4-68	
8	Bihar Municipalities (Amendment) Ordinance, 1968.	28-2-68	13-3-68	24-4-68	
9	Bihar Motor Vehicles Taxation (Second Amendment) Ordinance, 1968.	29-2-68	13-3-68	24-4-68	
10	Bihar District Boards and Local Boards (Control and Management) Ordinance, 1968.	10-3-68	13-3-68	24-4-68	
11	Bihar Co-operative Societies (Second Amendment) Ordinance, 1968.	24-4-68	..	26-6-68	
12	Bihar Sugarcane Regulation of Supply and Purchase (Second Amendment) Ordinance, 1968.	24-4-68	..	26-6-68	
13	Bihar Municipalities (Amendment) Ordi nance, 1968.	24-4-68		26-6-68	
14	Bihar District Boards and Local Boards (Control and Management) (Amendment) Ordinance, 1968.	24-4-68		26-6-68	
		JAMMU & KASHMIR			
1	The Jammu & Kashmir Public Premises (Eviction of Unauthorised Occupants) (Amendment) Ordinance, 1968.	23-1-68	6-3-68		Replaced by Legislation.
2	The Jammu & Kashmir Public Security (Amendment) Ordinance, 1968.	8-1-68	6-3-68	..	Do.
		KERALA			
	The Requisitioning and Acquisition of Property (Amendment) Ordinance, 1968. (Ordinance No. 1 of 1968).	11-1-68	16-1-68		Do.
		MADRAS			
1	The Motor Vehicles (Madras Amendment) Ordinance, 1968.	4-4-68	10-4-68		Do.
2	The Madras Cultivating Tenants (Special Provisions) Ordinance, 1968.	18-4-68	3-5-58		Do.

1	2	3	4	5	6
3	The Madras Inams (Assessment) (Amemdment) Ordinance, 1968.	12-6-68	20-6-68		Replaced by Legislation.
		MAHARASHTRA			
1	The Bombay Queen Victoria Statue Site (and Adjoining Land Utilisation for Construction of Satelite Telecommunications Exchanges of the Overseas Communications Service) Ordinance, 1968.	12-1-68	7-2-68	19-3-68	Do.
2	The Maharashtra Zilla Parishads and Panchayat Samitis (Amedment) Ordinance, 1968.	22-4-68	8-7-68	13-8-68	Do.
		ORISSA			
1	The Orissa University Authorities (Validation and Term of Office) Ordinance, 1968.	27-1-68	23-2-68	30-3-68	Do.
2	The Sambalpur University (Amendment) Ordinance, 1968.	28-1-68	23-2-68		
3	The Orissa University Authorities (Validation and Term of Office) (Amendment) Ordinance, 1968.	30-4-68	24-6-68		
		PUNJAB			
	The Punjab Legislature Regulation of Procedure in Relation to Financial Business) Ordinance, 1968.	13-3-68	18-3-68	29-4-68	
		RAJASTHAN			
	The Rajasthan Khadi and Village Industries Board (Amendment) Ordinance, 1968.	22-6-68	27-8-68		Replaced by Legislation.
		UTTAR PRADESH			
1	Uttar Pradesh Official Language (Supplementary Provisions) Ordinance, 1968.	25-1-68			The Power of the Uttar Pradesh Legislature were exercised by or under the authority of Parliament from February 25, 1968.
2	Uttar Pradesh Nagar Mahapalika (Alpa Kalik Vyavastha) (Sanodhan) Adyadesh, 1968.	27-1-68			
3	Uttar Pradesh Public Men Inquiries Ordinance, 1968.	28-1-68			
4	Uttar Pradesh Bikri Kar (Sansodhan) Adyadesh, 1968.	30-1-68			

1	2	3	4	5	6
5	Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Ordinance, 1968.	15-2-68			
		WEST BENGAL			
1	The Calcutta *Thika* Tenancy Stay of Proceedings (Temporary Provisions) Second Ordinance, 1968.	8-1-68		27-3-68	Provisions of the Ordinance subsequently enacted as President's Act.
2	The West Bengal Premises Tenancy (Amendment) Second Ordinance, 1968.	8-1-68		27-3-68	Do.
3	The Court-fees (West Bengal Amendment) Second Ordinance, 1968.	8-1-68		27-3-68	Do.
4	The West Bengal Taxation Laws (Amendment) Second Ordinance 1968.	9-1-68		27-3-68	Do.
5	The Calcutta *Thika* Tenancy (Amendment) Second Ordinance, 1968.	9-1-68		27-3-68	Do.
6	The West Bengal Separation of Judicial and Executive Functions Ordinance, 1968.	26-1-68		27-3-68	Do.
7	The Calcutta University (Amendment) Second Ordinance, 1968.	8-1-68		27-3-68	Do.
8	The Calcutta University (Second Amendment) Ordinance, 1968.	9-2-68		27-3-68	Do.

APPENDIX V

Party Position in Parliament and State Legislative Assemblies

(As on August 31, 1968)

I—LOK SABHA

Name of the State	Seats	Cong.	Swa.	JS	DMK	CPI	SSP	CPI(M)	PSP	Unattached	Total
1	2	3	4	5	6	7	8	9	10	11	12
Andhra Pradesh	41	34	3			1				2	40*
Assam	14	10				1			2	1	14
Bihar	53	34	..	1		5	5		1	7	53
Gujarat	24	11	12	..						1	24
Haryana	9	7		1						1	9
Jammu & Kashmir	6	5				..		..		1	6
Kerala	19	1		..		3		9	3	3	19
Madhya Pradesh	37	24	..	7						6	37
Madras	39	2	6		25			4	..	1	38**
Maharashtra	45	37	1			2	2		1	2	45
Mysore	27	17	4				1		4		26**
Nagaland	1	1									1
Orissa	20	6	9	..			1		4	..	20
Punjab	13	8	..	1				..		3	12**
Rajasthan	23	11	6	3					..	3	23
Uttar Pradesh	85	46	2	12		6	7	1	2	7	83†
West Bengal	40	15				5	1	5	1	13	40

Union Territories.

Andaman & Nicobar Islands	1	1	..								1
Chandigarh	1		1								1
Dadra and Nagar Haveli	1	1	..							..	1
Delhi	7	1	6							..	7
Goa, Daman & Diu	2	..								2	2
Himachal Pradesh	6	6									6
Laccadive, Minicoy & Amindivi Islands	1				..					1	1
Manipur	2		..		1					1	2
Pondicherry	1	1									1
Tripura	2	2									2
Nominated											
North-East Frontier Tract	1	1	..	..	..	..	..	..	..	..	1
Anglo-Indian	2	..	..	..	..	..	..	..	..	2	2
TOTAL	523	282	43	32	25	24	17	19	18	57	517

*Includes the Speaker, who is not a member of any party.
**One seat is vacant.
†Two Seats vacant.

II—RAJYA SABHA

(As on 31st August, 1968)

Name of the State	Seats	Congress	Swatantra	Jan Sangh	SSP	PSP	Communist	Communist (M)	Independent	Others
1	2	3	4	5	6	7	8	9	10	11
Andhra Pradesh	18	15	1	..	..	..	2	..	..	
Assam	7	6	..	..	1	..	..	..	..	

1	2	3	4	5	6	7	8	9	10	11
Bihar	22	14		1	4	1	1		1	
Gujarat	11	8	2						1	
Haryana	5	4								One (BKD)
Jammu & Kashmir	4	4			..					
Kerala	9				..	1	3	2	1	Two (RSP 1) (ML 1)
Madhya Pradesh	16	9	1	2	1	1			1	One (LSD)*
Madras	18	9	3		..	..		1		Five (DMK 3) (ML 2)
Maharashtra	19	16		..	..					Three (Rep. 2) (SMS** 1)
Mysore	12	9				2			1	
Nagaland	1	1								
Orissa	10	4	4	..		1				One (Jan Congress)
Punjab	7	3		1					1	One (Akali Dal)
Rajasthan	10	5	2	1						One (BKD)
Uttar Pradesh	34	22	1	4	3		1		1	One (BKD)
West Bengal	16	6					1	1	1	One (Forward Bloc)
Delhi	3	2		1			..			
Himachal Pradesh	3	3				..	..			
Manipur	1	1		..		..	..	..	..	

Pondicherry .	1	1								
Tripura . .	1	1								
Nominated by President	12†									
	240	143	14	10	9	6	8	4	8	17-231 (including 12 nominated members)
Vacancies—										
Punjab . .	1									
Rajasthan . .	1									
Uttar Pradesh .	1									
West Bengal .	6									
	9									

*Lok Sewak Dal.

** Sampurna Maharashtra Samiti.

†Nominated Members are : Shri M. Ajmal Khan, Shri M. N. Kaul, Shri G. Ramachandran, Shri Jairamdas Daulatram, Shri M. C. Setalvad, Dr. K. Ramiah, Shrimati Shakuntala Paranjpye, Shri Ganga Sharan Sinha, Dr. H. Bachchan, Shri G. Shankara Kurup, Shri Jaochim Alva, Prof Saiyid Nurul Hasan.

III—STATE LEGISLATIVE ASSEMBLIES

State	Seats	Cong.	Swa.	JS	CPI	CPI (M)	SSP	PSP	Rep.	Other Parties	Ind.	Nom.	Muslim League	For-ward Bloc	DMK	Total
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Andhra Pradesh (As on 16-9-68)	287	199		3	10	8	2		2	45a	15	1	..	..		285b
Assam (As on 26-8-68)	126	71	2	..	7		3	5		..	28					116c
Gujarat (As on 12-8-68)	168	100	56	1			1	3		1d	5					167e
Jammu & Kashmir (As on 2-9-68) .	75	62		3	..	..				6f	2	..	..			73g
Kerala (As on 30-8-68)	134	9		..	20	54	17	..		14h	5	1	14			134
Madhya Pradesh (As on 30-8-68)	297	122	..	63	1	..	9	9	..	88i	3	1	..	..	..	296j
Madras (As on 1-9-68) .	235	49	20		3	10	2	4	1	1k	2		3	1	138l	234m
Maharashtra (As on 30-6-68)	271	204	..	4	10	1	5	7	3	22n	9	1	1	2		269o

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Mysore (As on 9-8-68)	217	127	16	4	3		5	23	1	21p	15					215q
Nagaland (As on 18-10-68)	46	..								46r						46
Orissa (As on 22-8-68)	140	31	48		7	1	1	21		25s	5					139t
Rajasthan (As on 7-10-68)	184	108	30	19	1		7			11u	5v					181w
Union Territories																
Himachal Pradesh (As on 7-9-68)	63	39		7		2				..	12	3				63
Goa, Daman & Diu (As on 29-8-68) .	32	..								28x	2	..				30y
Manipur (As on 17-8-68)	32	22			1		4			..	5					32
Pondicherry (As on 10-8-68)	30	18								12z		..				30
Tripura (As on 30-8-68) .	33	27	..		1	2	..	..	..	..	..	3	..	..	..	33

(a) Democratic Front-37 and Peoples Democratic Front-8.
(b) 2 seats are vacant.
(c) 10 seats are vacant.
(d) Janta Parishad-1.
(e) One seat is vacant.
(f) All seats belong to National Conference.
(g) Two seats are vacant.
(h) Karshaka Thozhilali Party-2, Kerala Socialist Party-1, Kerala Congress-5, and Revolutionary Socialist Party-6.
(i) All seats belong to Lok Sevak Dal.
(j) One seat is vacant.
(k) The seat belongs to Tamil Arasu Kashagam.
(l) Includes one affiliated member.
(m) Excludes the Speaker.
(n) 21 seats belong to Peasants and Workers Party and one to Hindu Sabha.
(o) Two seats are vacant.
(p) Janta Pakasha-14, L.S.S.-2 and M.E.S.-5.
(q) Two seats are vacant.
(r) All seats belong to Nagaland Nationalist Organisation.
(s) All the seats belong to Jana Congress.
(t) Excludes the Speaker.
(u) Members of Bhartiya Kranti Dal.
(v) Includes the Speaker.
(w) Three seats vacant.
(x) Maharashtrawadi Gomantak Party-16 and United Goans Party-12.
(y) Excludes the Speaker and one vacant seat.
(z) United Democratic Front.

Since Bihar, Haryana, Punjab, Uttar Pradesh and West Bengal are under President's rule, these have been omitted from the above Table.

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